A defence of the honour of the right highe, mightye and noble Princeſſe Marie Quene of Scotlande and dowager of France, with a declaration aſwell of her right, title & intereſte to the ſucceſſion of the crowne of Englande, as that the regimente of women ys conformable to the lawe of God and nature.

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THE AV-
THOVR TO THE
GENTLE READER.

IT ys not vnknowen to the (gētle Reader) beinge an Englishe man vvhat greate contention hathe of late risen in Englande, what hote scholes and disputations haue bene kepte in manye places here, towchinge the right heire apparente of the crowne of Englande, yf God call to his mercie our gratiouse Quene & Souereigne Elizabethe, with owte issewe of her bodye. Neither hathe this sturre stode withe in the liste of erneste and feruente talke of eche side, but men haue gone on farther, and haue aswell by printed as vnprinted bookes, done theire indeuour to disgrace, blemishe and deface, as muche as ī them liethe, the iuste title claime and intereste of the noble and excellente Ladie Marie Quene of Scotlande, to the foresaide crowne: Yea they haue in vtteringe theire grosse ignorāce, or rather theyr spitefull malice againste her grace, ronne so on headlonge, that they haue expressely denied

whatt talke and vvritinge haue bene towchinge the ryght of the Quene of Scotlād to the succession of the crowne of Englād

All vvomans regiment refused of some

nied and refuſed all womanlye gouernemente. Amonge other one of theys raſhe, hote, haſtie and headye companions, hathe caſte abrode abowte Iulye laſt, a poyſoned peſtiferous pamflett, againſt the ſaide Quenes clayme and intereſt. Wherein he auouchethe alſo that the ciuill regimente of women, ys repugnante bothe to the lawe of nature, and to the lawe of God. It ys more ouer well knowen to all Englande and Scotlande, what a buſines and ſturre there hathe bene, what earneſt vehemente and violéte talke, what falſe fained and forged reportes and opprobrioufe ſlaunders haue bene bruted, as well in the one as in the other realme, againſte the ſayde vertuouſe good innocence Ladye and Quene, by the craftie malicioufe drifte of her rebellioufe ſubiectes. Who haue not onlye blowne abrode, and filled mennes eares with lotheſome and heynouſe accuſations againſt her grace, towchinge the ſlawghter of her late deare huſbãde: But haue alſo vpon this falſe ſlanderouſe crimination taken armes agaĩſt her, empriſoned her, & ſpoyled her of all mãner her coſtelye apparell & Iewelles, and alſo bereaued her of her princelye and Royall authoritie, intrudinge them ſelues into

into the ſame, vnder the name and ſhadowe of the yonge Prince her ſonne. Towchinge all theys poinctes, ye ſhall haue nowe, good reader, in this treatiſe followynge deuided in to three bookes, an anſwere. And for as muche as Salomon writethe, and this good Ladye ſo takethe yt, that a good name ys to be praiſed and valewed aboue all pretiouſe oyntementes, aboue all golde and ſyluer, and that the impayringe of her honour by theys fowle and ſlawnderouſe reportes, dothe towche and nippe her harte nerer, then maye the loſſe of anye worldelye honour, hanginge vpon her by expectation, or that ſhe hathe enioyed, or dothe preſentlye enioye, or any other greauouſe iniuries that ſhe hathe moſt wrongfullye but moſt pacientlye ſuffred. Yt ys thowght good that the defence of her honour ſhoulde forgoe the other two bookes, wherof the former entreatethe, debatethe and diſcuſſethe the right title and intereſt of the ſayde Quene Marye, to the ſucceſſion of this crowne of Englande. Declaringe her ſayde right and title to be good and lawfull, by the common lawe of this

The contentes of the bookes followinge.

Eccleſi. 7.
Proue. 22.

realme, and the actes of parliamẽte therein holdẽ, with a full answere of ſuche obiections, as the aduerſaries laye forthe againſt her ſaide right, by coulour of the ſaide lawe or parliamentes. And for as muche as with our foreſaide newe foũde doctour, neither common lavve, nor actes of parliamente, ſeame to ſerue for a ſufficiente plea, but that we are by him driuen, alſo to pleade by the lavve of nature and by ſcripture: We haue adioyned in the thirde booke a cõueniente answere to this fonde fantaſticall and daungerous aſſertiõ, aswell to the ſtates of other Princes, as to the ſtate of his and our gratiouſe Souereigne. Wherein we auouche womans regimẽte to be cõformable bothe to the lawe of God, and the lawe of nature. Which tretiſe maye ſeme pchance to ſome as ſuperfluous, neither I greatlye denye yt, and there fore might, and vvolde gladlye haue ſpared ſo muche labour and trauaile, yf this litle poiſoned pamflett had not manye readers, and many alſo fauorers and allowers, or yf the matter did not ſo nighe towche euen our owne gratious and noble Souereigne, or yf this lewde aſſertion were not (as yt were by a Sampſons poſte) vvithe the countenance of the lawe of nature, and

Godes

Godes holye vvorde vnderpropped, or yf thar Godes holye vvorde were not nowe a dayes wretchedlye applied (God reforme yt) and licenciouſlye vvreathed & vvreſted to the maintenaunce of euerye priuate mãs fanſie and follye, and as fondelye and foliſſhelie credited & embraced alſo of other fantaſticall perſons, or yf this man were the firſt, or like to be the laſte mainteyner and ſetter forthe of ſuche a ſtrãge and daungerous Paradoxe. Or yf, there haue not alredy bene publiſſhed and divulged by printe engliſhe bookes, for the maintenance of the ſaide ſtrange doctrine. Which vvas (yf vve ſhall creditt the ſetters forthe of yt) firſte well cõſidered, & then aduiſedlye allowed by ſuche perſons, as a greate multitude of people in manye contreyes do nowe greatlye eſteme and honour, or yf the daunger of this doctrĩe ſtretched not to many other greate Princes and kingdomes, or to conclude, yf the divulgation of this doctrine, ſtode onlye in Engliſhe Bookes, and that there vvere not, that haue ſhewed theire fonde fanſie therein euen in the latin and moſt common tongue of all. For theys and other cauſes, vve haue ſett in the laſt booke a confutation of this groſſe and dangerous

Se the firſt Blaſte.

Bodinus in metho. ad cognit. hiſtor.

error. where as alſo he ẽueyethe moſt ſlanderouſelye againſt her highnes for the foreſayde ſlaughter vvith bare naked, but ſpitefull reproches and oute cries, with owte anye manner of kinde or countenance of good proufe, we will referre the Reader to the foreſaide defence of her honour. By the which anſvvere ye ſhall ſee her integritie & innocencie, and vvith all that her accuſers have in this matter played ſuche a Tragedie agaynſt theyre gwyltles Ladie and gratiouſe Sovereigne, as lightlie the worlde hathe not harde of the lyke. The whiche theire falſe ſlaunderouſe, owtragiouſe, rebelliouſe doynges, yt ys hoped that our gratiouſe Quene wyll well conſider and ponder, and wyll take ſome conveniente order alſo, aſwell for the repreſſinge of them, as for the reſtitution of the ſayde Quene Marie into her owne realme. And the rather bycauſe our ſaide Quene ys learned, and therefore not ignorante what greate cõmẽdation and immortall fame, manie kynges haue purchaſed to them ſelves for ſuche benefitt beſtowed vpon other Princes, beynge in the like diſtreſſe and extremitie. The monumẽtes of antiquitie, as well prophane as Eccleſiaſticall are filled withe the

The commẽdations of diuers kinges for releauinge of other Prĩces beinge in extremitie.

the memorie of ſuche noble factes. In holye ſcripture we reade that Abraham cowragiouſelie and manfullie delivered hys brother Lothe, whith certaine Kynges taken priſoners by theyre enimies. Cyrus deliuered the Iewes from captiuitie. Evelmerodache delivered Ioachim the Kynge of Iuda ovvte of priſon. The Romans dyd write to divers Kynges in the favour of the Ievves vniuſtlie oppreſſed. What ſhall I ſpeake of Alexander the greate, that reſtored Ada the Quene of Caria? Or of the foreſaide Romans that reſtored Maſiniſſa the Kynge of Numidia, with manie other Kynges? Or of our noble Cordell, that ſett vp agayne in the Royall throne of our Britannie, her father driuen from thence by hys two other vnkinde and vnnaturall dowghters? Some Princes of this our realme haue in theyre greate calamitie, & amõge other, kinge Henrie the ſixte fownde muche cõforte, frẽdſhippe, ſuccour and relief, at the kinges handes of Scotlande. This Ladie & Quene deſierethe nowe to taſte the like at our Quenes handes. Whereby ſhe ſhall winne greater commendation, then did Charles the late Emperour, for reſtorige either of Frãcis Sforcia to the dukedome of Millane, or of Muliaſſes to the kĩgdome of

Geneſ. 14.

Eſdræ: 1.

4. Reg. c. vlt.

1. Machab. 15.

Tunes, or of his ſone kinge Philippe for procuringe the reſtitution of the Duke of Sauoye. For this Ladye and Quene ys her moſt nighe neighbour by place: And her nighe coſen and ſiſter by bloude. She ys a Quene, and therefore this vvere a fitt benefitt for her relief from a Quene. Yea ſhe ys, as yt were her dawghter, bothe by dawghterlye reuerẽce ſhe bearethe her maieſtie, and by reaſon ſhe ys of God called to the daughters place in the ſucceſſion of the crowne, yf her maieſtie faile of iſſewe. And I dowbte nothinge, yf ſhe imploye this motherlye benefitt vpon her, but that ſhe ſhall finde her, a myndefull, thankfull, & an obediente dawghter. For of all women in this vvorlde, ſhe abhorrethe ingratitude. She hathe hitherto depended onlye vpon the hope, to haue helpe and ſuccour of her Maieſtie, geuinge ouer, partelye voluntarie, partelye at the motion of her maieſtie, diuers profers of ayde and ſuccour by other mightie and puiſſante Princes her frendes frelye to her offered: repoſinge her ſelf vpõ the fayre and princelye promiſes that her Maieſtie hathe made to her ſondrye tymes aſwell by lettres, as by meſſengers, for her relief: when ſo euer oportunitie ſhoulde occaſion

The greate truſte that the Quene of Scottes hathe euer had in her deare ſiſter the Quene of Englãd.

caſion her to craue yt. For theys and manye other cõſiderations, there ys good hope, as ys a foreſayde, that our gratiouſe Maiſtreſſe will take in hande her reſtitution. Wher vpon, I truſt, ſhall followe ſuche farther and entire amitie betwene them bothe, and theire realmes, that the benefitt, fruite, and commoditie therof ſhall plentifullye redowne, aſwell to all the poſteritie of bothe the ſayde realmes heare after, as to vs preſentlie.

FINIS.

The printer to the reader.

I Require ād hartelie praye the (good and louinge reader) that yf in this præsent Boke thou finde any alligation not dewlye coted, or a poinct out of place, a lettre lackīg, or other wise altered: as, n, for, u, and suche littill light faultes against orthographiæ, thov wilt neither impute the same to the authour of this worthie Worke, nor yet captiouslye controule the errour: but rather of thy humanitie and gentilnes, amende that which is amisse with thy penne. For if thou diddist knowe with what difficulté the imprinting herof was atchiued, thou woldest rather curtouslye of frendlye faueur pardon many greate faultes, than curiouslye withe rigorouse censure to condemne one litle.

ꝺs Christe kepe the in his faithe and feare præsentlie and perpetuallye. Amen.

A DEFENCE OF THE HONEVR OF THE ryght hyghe, ryght myghtye and noble Princesse Marie Quene of Scotlande, and Dowagere of France.

The fyrste Booke.

IT WERE to be wisshed, that as God and nature hathe moste decentlie, ordinatelie, and providentlye furnisshed and adorned man, with two eyes, two eares, and butt withe one mowthe, and one tongue, wōderfulye brydled and kepte in with the lippes & the teathe: So men wolde cōsider the cause of yt, ād the greate prouidēce of God therein, And after dewe consideration vse them selues accordingelie. Then shoulde we sone learne and practise a good lesson, to heare and see manye thynges, and yet not to rune headlōge, nor rudelie ād rashelie to talke of all we here and see. But to talke within a cōpasse, and to referre all our talke to a temperancie and sobrietie, and to a knoven tryed trevthe: especiallie where the sayde talke maye sownde, to the

whie that nature hathe geven to man too eyes and twoo eares and but on tongue.

a blemi-

blemishinge and diſgracinge of anie mans good name and eſtimatiō. But nowe a daies (the more pittie) thereis nothinge almoſte but that as ſone, as yt ys perceaued by the eye or eare, muſt forthwithe be laſſhed owte agayne by the mowthe, ſuche a ſuperfluouſe and curiouſe ytchinge we haue diſſolutelie, and vnadvyſedlie to talke of all matters, thowghe they tende to the greate hynderance and infamie of manye of our bretherne. And thowghe we be nothinge aſſured of the certaine trewthe of the matter, yea withoute reſpecte to pryuate or publike perſons. Of ſuche vnbrydeled talke, no man or woman in our dayes hathe, as I ſuppoſe more iuſte cauſe to cōplaine, then the ryght excellente Princeſſe ladie Marie Quene of Scotlāde: whoſe honour manie haue gone abowte to blotte and deface in charginge her moſt falſelie and iniuſtlie, withe deathe of her late huſbōde the lorde darley. For the defence and mainteynynge of whoſe innocencye in thys behalf, we intende to laye forthe, before the gentle reader, the moſte cheif and principall reaſons, grounds and arguments, where vppon the patrones, the inuenters and workers, of all theis myſcheavouſe and develyshe dryfts, grown-

grownded them ſelves and all theyre owte-ragyouſe doyngs. And then conſequentlye to infringe and repulſe the ſame. For to rehearſe, anſwere to, and repell all theyre aſſertions and obiections, yt woulde require a verie longe, tediouſe, and a ſuperfluouſe diſcourſe, in as muche as theis iolye gaye oratours, meaſuringe theire doings, more by nombre of falſe obiections, then by trewe, ſubſtanciall and pithie matter, to make a goodlie florishe and a trime shewe, to face owte and countenance theyre craftie iuglings, And to cover theyre diſordered dealings, there with all, have raked vppe and heaped together onevppō an other, againſt theyre good maiſtreſſe and Sovereyne Quene, no ſmall nomber of ſlawnderouſe Articles. But in all this rablemēte, in all this rakynge and rackynge, what thinge elſe do thei butt vtter and diſcloſe theire owne ſpitefull mallice, and malicionſe ſpite, to the diſcreditinge of theire cauſe, and them ſelves alſo. Eaven as the accuſers of Ariſtophen amonge the Athenieſes did, by whōe he beinge nynetie and five tymes greavouſelie accuſed, was yet everie time by the Iudges cleared, and fownde gyltles. As I do no whitte dowbte, but that this good inno-

cente ladie wylbe, by the verditt and ſentē-ce, of all indifferente men, ridd and vnburdened in like manner, of all māner of ſuſpition, that theys reprochfull men wolde by theyre mallice and ambition brynge her into, by theyre wylls withe all the worlde. For as goodelie and as greate a muſter as thei make, two parts of theyre ſlawnderouſe accuſations, are manifeſt falſe, and open vntrewthes, and fowle forged lyes. The reſidewe therof, thowghe in ſome parte they beare trewthe, ād be nothynge preindiciall to the Quene in this matter, yet are they full calumniouſelie, and merveloufe maliciouſelie depraued, drawne and wreſted to the worſte, The effecte and drifte of the whole tendethe to thys, that firſte thei wolde we ſhoulde beleave that after her mariage, her minde was as yt were alyenated from her huſbande. Secondlie theie p̄tende certaine lettres, that theye ſurmiſe, & wolde have, to haue bene wrytt̄ by her grace, whereby they ſeake to inferre againſte her manie a preſumption, as theyre wylye braines imagine. But the moſte wayghtye of thē all, ſeamethe to them to be her pretenſed mariage, wherof we wyll laſtlye entreate. And yet thoughe thei have done,

theirwoorſte, though thei have caſte owte, all theire ſpite and mallice againſte her, yet neuer have thei beneable by anie directe and lawfull meanes, to proue ani thinge at all, wherebi thei maie ſtaine her graces honour, in anie one of the foreſaide points. Had they browght forthe anie ſuche neceſſarilie concludinge illation, we had not attẽpted thys defẽce in her behalf, but wold have yelded, and geven place to an open knowen trewthe. But ſeynge that the beſte matter they haue to ſupporte theire doings with all, ys nothinge elſe, but preſumptions and ſurmiſes, wiche yet are not of the ſureſt and moſte probable ſorte, neyther ſuche, as are preſumptiones iuris, & de iure, contra quas non admittitur probatio. Seinge alſo, that we owght alwayes in crminall canſes, but cheifelie when a Prince ys tovvched, vvho ys Gods annointed, to bẽ more proclive and prone to favour, then to hatred, to be redier to abſolve and releace then to deteine and condemne. And that yt ys fatre better, and a more ſuer, more indifferente, and vpright vvaye to ſave the gvvyltyes lif, then to condemne and caſt awaie the innocente: I truſte and am in aſſured hope, that all the indiferẽte readers herof (thys being

Mẽ ſhoulde be rather prone to abſolve then to cõdemne.

the cauſe and vvofull aduerſitie of a Prince, vvhereas the like eſtate of Princes ovvght, and is vvonte to moue and ſturre all honeſt harted men to comiſeration and pittie, and to do theire indeuour, to the redreſſe and reformation of ſuche vvronge and oppreſſion done) vvyll vvith indifferencye, and vvith oute all parcyallitie vveyghe and conſydere the allegations of the one and the other ſyde, and iudge of the matter as yt fallethe owte accordyngelie, vvich ys the verye thynge vve moſt deſire. And ſeinge the adverſariesthrowghe oute all theire cauſe wander by gheſſes, and vncertayne preſumptiõs, let vs alſo, as I maye ſaye abvſe a lytle parte of ovvr defence, vvhat ſaye I abvſe (parchaunce trevvlye, yf vve had no better matter, or they had any good matter at all) naye rather vſe them accordingelye for the more ample and better tryall and iuſtification of our cauſe. We aske them then, vvhy the better and the ſtronger preſumptions, ſhoulde not fruſtrate avoyde and ſett backe the vveaker and the vvorſe? Thys ſexe naturallye abhorrethe ſuche butcherlye practyzes: ſuerly rare yt ys to heare ſuche fovvle practizes in vvomẽ. And maye vve finde in our harte to beleave, that yt ys novve at lengthe fovvnde in, and practized, by ſuche a ladye

and

and Princes, from vvhoſe perſon, her noble byrthe, her honorable ſtate, and princelye education, and the vvhole trade of all her godlye, and vertuouſe lyfe paſt, do farre repell and drive avvaye, all ſuche ſuſpitiõ and coniecturall preſumptions? And vvhom all chriſtian Princes haue had in highe eſtimatiõ, & vvorthie price, for her greate prudencie, and manie other princelie qualities, the vvhiche ful goodlie do adorne ād bevvtifie the grace & comlines of her roiall perſõage. Dothe any man or vvomā fall to extreame levvdenes all at ons? No verelie, vve do bothe riſe & fall by degrees: aſwell to all ſinguler vertues, as to al extreame nawghtines. Let thē ſhevve me then yf they can anie euel doings in all her former life, vvher vpon to make a ſiniſter diuinatiõ to faſten vpon her theire treacherouſe accuſatiõs? What vnſeamelie ovvtragiouſe, and vnprincelye parte hathe ſhe hitherto plaide? Let the noble roiaume of Frāce teſtifie of her demeanour & behauiour? Let her owne ſubiets thatbe not her opē enemies, charge her as farre as they can? Yea let theis her opē enemies, and her dowble dowble traitours accuſe her hardlie & ſpare her not? But yet lett them vvell thincke vvith all at theire better leyſure, and

they ſhalbe better adviſed vvhether there be anie indifferente parſon, vvho vvil not bothe deteſt, and vtterlie abhorre, the peruerſe and naughtie nature of ſuche ingrate traitours. Or that vvill not thincke yt farre vnlike that thys noble Quene, vvho hathe ſo gratiouſelie perdoned them dovvble ād treble treaſons, vvolde ever finde in her harte ſo to vſe her ovvne deare huſbande? This ys vnlikelie, This ys incredible: And the more all circumſtances conſidered. For yf she had bene ſo deſirouſe to have bene ridd of him, as they falſelie, and maliciouſelīe imagine, and reporte her to have bene, she had good and lavvfull meanes to ſerve her turne. Albe yt he was her hedd in wedlocke, yet vvas he othervviſe but a membre of the Scottishe comon vvealthe, ſubiecte to her, as to his principall and ſupreme governeſſe, and to her lavves. By the devve ād ordinarie, proceſſe and courſe vvherof, he might iuſtlie have bene conuicted, cōdemned, and executed, as vvell for the murther committed vpon Dauid her Secretarie, in vvhoſe bodie his dagger vvas fovvnde ſtabbed: As for the impriſoninge of the Quene, ād for th'attemptinge to remoue her from ciuill gouuernement, to intrude him ſelf therto,

It ys nothynge likelie that the Quene wolde haue ſowght thedeſtructiō of the

therto, ād for diuers other the like pageāts by him plaide. Who can nowe reaſonablie thincke, that vvhere she by lavve and iuſtice might haue fullie ſatiſfied this her falſeli ſurmiſed vvill and deſire, thar ſhe vvolde not take theis opportunities in this ſorte offered, but omittinge them all, ſeake vnlavvfull meanes to his diſtruſtion? This vehement preſumption of her innocencie is much holpen for that she vvold not cōſent to a diuorſe betvvē her and the lorde Darlie (as vve shall hereafter declare) thoughe she vvere moued thereto by a greate numbre of her nobilité, and by ſuch as be nowe her greateſte aduerſaries. I adde farther thereto, as a greate and an vrgēte preſumptiō, and token of her innocencie and pure conſcience, that she voluntarilie came into England (refuſinge the offers of diuers of her ovvne ſubiects, vvho beſovvght her grace, to repaire into theire quarters, proferringe to preſerve her grace ſauf therein) vvhere she knevve right vvell vvere the father and mother of the ſaide lorde Darlei, And a noble Quene that vvolde not ſee the bloudde of her neare coſen vnrevenged, and a vvorthie ſorte of men of nobilitie alſo, vvho vvolde neither ſuffer ſuche a facte to paſſe and

lorde Darley by thys meanes whom she might haue openlie put to deathe by iuſtice.

The Quene cōtrarie to the minde of her nobles came into Englande.

and eſcape vnpuniſshed, nor ſo vertuouſe and gwyltles a Quene to remaine withowte aide helpe and ſuccour, beinge withe rebells ād traitours shamefullie opreſſed ād bereaued of her roiall dignitie The worthie ſainge alſo of the wiſe Caſſius, ys here to be remēbred, Cui bono? Wherby he did ſignifie, that in ſuche dowbtfull cōiectural caſes, a man maye make a greate aime and coniecture againſt the perſō appeached, yf by the facte doinge he shoulde enioie anie ſpecial profitt, emolumente or commoditie. Yf the Quene had after his fatall and finall ende, purchaſed to her ſelf the matchinge in mariage withe anie greate and mightie Prince for her greate aduancement, or anie other encreaſe of her honour or aduantage whatſœuer: there had bene ſome color ād shewe, whereby you might haue an apparent preſumptiō. Againe she was not ignorante but that his deathe, either procedinge from ſuche nawghtie meanes, or otherwiſe naturallie was likelie to be a meruelouſe greate ſtaie and impedimēte to her greate affaires. Amōge other things the teſtimonie ād cōfeſſiō of diuers gwyltie (as they be reported) & executed in Scotlād for the ſaide offēce

Cicero pro milo.

The notable ſaiēge of. Caſſi⁹, cui bono?

wich

which they opēlie made at the time of theire deathe, dothe tende muche to the aduancinge and approbation of her innocencie. Theys men yet paraduēture will replie and ſaye, that theys are but ſlender preſumptiōs And yet were yt ſo, that they were of force ſufficiente, they muſt yelde to an approued trewthe. It remainethe now then that We cōſider howve ſuer and ſubſtanciall theire prouf ys. Concerninge therefore the firſt pte, We Will not al to gether denie, but that she Was ſomewhate eſtrāged from him, ād therefore they might haue ſpared a greate ſorte of theire neadeleſſe ād friuolouſe arguments, and yet flatt and plaine lies Withall to proue the ſame. But fie vpon the crueltie of theis accuſers, Who vvere the verie authours them ſelues. And them ſelues the onlie Workers and bringers to paſſe of all this diſcorde: traininge this ſelie yonge gentleman by theire gwylefull and vvilie circumuentions Wretchedlie to conſpire Withe them againſt his owne deare Wife, and dreade Souereigne, to the moſte cruell and deteſtable ſlawghter of her truſtie Secretorie Dauid, and to the impriſonmente of the roiall perſon of the verie Quene her ſelf. Theis and manie other like prancks

The Quenes enne-mies laye to her di-ſcorde wi-th the lor-de Darley wherof they were the au-thours.

and

and practiſes,as the reuocation of you the Erle Murraie,and of other traitours of your allie and affinitie, vvith ovvte the Quenes knowledge by the lorde darley,his yowthfull, rashe and temerariouſe deuice, to departe the reaulme, vvithe manie other like practiſes,purpoſes and attẽpts,for his princelie parſon verye vnmete,and farre vnſeamelie,ye craftelie ſuppreſſe, and ſpeake no vvorde off, for feare off burnynge your ovvne clothes.I ſaye therefore fie,ād dovvble fie vpō the impudẽcie of theis traiteurs. Novve to laye to the Quenes charge, and reprochfullie to obiecte to her changinge of her minde tovvarde her huſbande,vvich roſe ād begane vppon cauſes, for the vvich they had bene longe earſt tryſed vppe, yff they had not fortuned vppō, ād mett vvith ſo gratiouſe a maiſtreſſe: As I kuovve, and they thovvghe vndeſeruinge yt do vvell feale, that the vvhole vvorlde hathe verie fevve her like. And yet all this your pretẽſed alienation of her accuſtomed faueur from hym,not vvith ſtādinge her verie motherlie care: (for beſids all other reſpects, thovvghe they were not farre differente in yeares, she vvas to him not onlie a loyall Prince,a louinge ād deare vvyfe,but a moſt

care-

carefull and tendre mother vvith all,) vvas neuer a deale lessed or minisshed: Albe yt for a time she did dissemble and forebeare ovvtevvardelie to shevve and vtter, her invvarde harte and affectionate loue, vpon moste iuste and good respects: As the manner and practise of prouidente and moste louinge parents oftentimes ys, tovvarde theire deare children, for the better reclaiminge of the vvanderinge minde, and vvaueringe vvill of the yovvthfull vnaduised gentleman. And therfore hearinge and advertissed, that he vvas repentante and sorovvfull, and that he desired her presence, she vvithoute delaie, thereby to renevve, quicken and refreshe his sprites, ād to comforte his harte, to the amendement and reparinge of his healthe lateli by sicknes sore impaired, hasted vvith suche speade, as she conuenientlie might to see and visit him at Glasco. Where, as also at diuers other places, especiallie at Edenborovvghe, she frō time to time most louingelie entertayned, and most tenderlie cherisshed him euer, eauen to the verie laste hovvre, that euer she savve him. Whereby yt did to all men moste euidentlye appere, that all manner of displeasure or variāce, vvhatsoeuer your coniectu-

The Quene vvas fullye reconsiled to the l. Darley before his deathe.

rall

rall ſurmiſes ſuppoſe, to haue bene betvve-ne them: or your ſeditiouſe practiſes and ambitiouſe procedings had ſovven in thei-re ſtomaks and mindes, vvas not onelie novve vvell alvvaged and fullie appeaſed, but vtterlie for euer quenched, as beinge altogether forgotten, and troden (to your muche miſlikinge, and greate diſcomforte) vnder foote of them bothe, neuer to be renevved againe. But for as muche as theys men do vvell perceaue, that yt this be treve, (which ys in deade ſo certainelie trevve, that they them ſelues are for the manifeſt evi-dence therof, eauen driuen and forced to acknovvledge and confeſſe the ſame) Then theire greate Samſons poſt of diſcorde and debate, vvhere vvithe they vvolde vnder-proppe and vpholde all theire traiterouſe procedings, as alſo this theire miſchiuouſe accuſation, and greauouſe crimination, the vvhiche they had fullie novve conceaued, and brovvght as they hoped to perfection, by the miſcheuouſe drifts of theire shrevv-de vvilie develishe diſpoſed braines againſt her, vvolde faile then, & fall to the grovnde. For this conſideration I ſaie they novve meaſuringe theis moſte commendable do-ings of the verie vertuouſe and vvell mea-

ninge

ninge Quene, by theire ovvne deape and doble diſſemblinge craftie nature, theire former drifte failinge them, begane to laie a nevve fondation to builde theire longue conceaued treaſons on: And ſaie, that all this curteſie, fauour loue and amitie, vvas but a ſett matter on her parte, and colorable shewe, and a diſſembled drifte and fained pretence, by her colorablie conuaied, vpon none other purpoſe, but to flatter and entice him to Edemborovve to his bane, vvhiche ſaie they appearethe bi her ovvne lettres. It irkethe and greauethe them to the verie harte to heare of the reconciliation, And therefore thei toile and tumble from one kinde of lienge rethoricke to an other, eauen quite contrarie. For as before thei fovvnde greate faulte vvithe her for eſtranginge her fauour from him: ſo novve at the laſte thei miſlike at her greate trauaile taken in her progreſſe to viſitt and conforte him, iudginge and reputinge all her devvtifull kindenes as hypocriticall and counterfeated diſſimulation. Wherein bi theire malicioufe cõſtruinge and vvronge interpretation of vvell and comendable doinge, thei repreſente the naturall diſpoſitiõ & frovarde inclinatiõ of the deuell: vvho

hathe

hathe that name, for that he ys vvillingelie,
διάβολος and of purpoſe, a maliciouſe falſe reporter
and a ſlanderouſe accuſer. As for the lettres
they take holde on ād ſlaunder her for, vve
ſhall hereafter examine them vvhatvveight
they beare. Well then yf there vvere ſuche
a reconciliation made betvvene them, as I
haue ſaide to be, as there ys litle or no cauſe
at all, vvhy any mā ſhulde thincke, that the
Quene vvas priuie or vvare, of the meanes
of his deathe, ſo maie yt ſeame but meare
ſuperfluouſe, for vs either to reherſe, vvhat
ſurmiſed difference vvere betvvene them,
or to confute the falſitie of all ſuche allega-
tions namelie ſeinge that in ſome therof,
The aduer ſares charge the Que ne vvithe their ovne vvycked deuiſes. they charge the moſte innocente Quene,
vvithe theire ovvne moſte levvde, navvgh-
tie, ād vvycked deuiſes and deteſtable pra-
ctiſes. As for an exāple & prouf therof, the
Erle Murraye and his counſaile pceauinge
that for a time, the Quene ſeamed not vvell
to like of her huſbands doings (albe it vvhat
ſoeuer her ſayd miſlikynge vvere, yt vvas,
as ys afore ſaide, for the loue off him in re-
ſpecte of his ovvne prouſit and cōmoditie)
beinge verie deſierouſe to bringe home a-
gaine their cōfederated mate, the Erle Mor-
ton vvho then vvas in banishmente, and re-

mained

mained in Englande for the ſlavvghter of Dauid her Secretarie (with oute whoſe preſence and preſent aduice, theire fetchinge practizes were halfe maimed, & lacked force to take effecte) Were earneſte ſutors that yf she wolde pardon him, they wolde procure a diuorſe betwene them, wherto she vvolde not agree. But vvhat haue theis good men novve done, thincke ye, in this parte? Suerlie they haue plaied the ſaide pageante vvithe this Innocente Suſan, as the tvvo vvicked Iudges did playe vvithe the other former Suſan. They laye harde to her charge theire ovvne navvghtie and vvycked counſell and deuiſe. Yt vvere therefore but a vaine, and loſte labour for vs, to ſtaye and tarrie longe vppon the confutation of theire ovvne craftie maliciouſe inuentions and procedings, in procuringe an alienation of the Quenes minde from her deare and vvelbeloued huſbande, or vpon anie other alienation vvhat ſoeuer, yt ſo beinge that they them ſelues can not denie, but that there follovved a good pacification and reconciliation betvvene them. We vvill conſequentlie therefore conſider the ſeconde principall pointe of our diſcourſe. For theie

The Quene moued by thē to make a diuorſ withe the l. Darley.

The accuſatiō towchinge letres ſēt by her to the Erle Bothvvell.

theie ſaie that thei haue a ſufficiente prouf, to iuſtifie the chefeſt parte of theire accuſation. A proper iuſtification perdie: this ys theire iolie vvitneſſe, this ys theire ſingulier Ievhell, vvhereby they ſett muche ſtore, the valevve vvherof in theire eyes ſight, they repute and accompte as of an ineſtimable treaſure. This moſte neceſſarie vvitnes they haue alvvayes attendante at hãde, and redie at a becke to ſerue theire turne at a pinche vvhen nede requirethe, for all theyr purpoſes and Attempts. Yf ye dovvte of the veritie of any parte of theyre accuſations, this vvitnes thovvghe yt neuer ſavve nor hearde of any ſuche thinge, vvill full faire bleate yt ovvte, and make all things accordinge to theire minde, as cleare as criſtall, or as the bright ſhininge ſonne. So that yf this vvitnes ons failethe them, then all theire accuſation failethe them therevvith, and by and by quailethe. And ſovvthlie this vvitnes (yet all this not vvith ſtandinge) vvhat elſe ys yt, but a blinde, a deaff, and a dome teſtimonie, of certaine obſcure lettres vvritten and endited (as they moſte falſelie, and as vainlie

lie avovvche, and vvere neuer hetherto able to proue) by the Quene to the Erle Bothevvell. It ys forſovvthe a boxe off lettres taxen from one Dovvgleiſshe vvho vvas executed for the lorde Darleyes deathe, the Erles man forſovvthe, vvhiche lettres he receaued at Edenborovvghe of one Syr Iames Ballfoure, to conuey to his maiſter: thus ſaie theye. But vve ſaie to you, as ys ſayde in Terence. *Non ſunt hæc ſatis diuiſa temporibus*. The verie time, yf nothinge elſe vvere, bevvraiethe you, and your vvhole cauſe vvith all. Is yt to be thovvght, that either the Erle vvolde ſende to the ſayde Syr Iames, vvho had before aſſiſted the faction againſt the Quene vvith the force and ſtrengthe of Edenborovvghe caſtle, And driuen from thence the verie Erle him ſelf, or that the ſaide Syr Iames vvolde ſende anie ſuche thinge to the Erle? Is yt lixelie? Ys yt credible? Had the forgers and inuentours of this tale by ſeamelie conueyance parted and deuided the diſtinction of his times? Hovve ſaie you? Where as novve yt ys in no caſe to be ſuppoſed or coniectured, that ſuche a vviſe vertuouſe ladie vvolde ſende

The vnlikelie tale of the Erle Bothwells lettres ſurmyſed to be ſent to maſter Ballfoure.

anye ſuche lettres. Yet puttīge the caſe that ſhe had ſent them, yt ys not to be thowght, that either the receavour therof, or that ſhe her ſelf, whom ye cōceaue to haue ſente them, wolde haue ſuffered them, for the haſardinge of her eſtimation and honour to remayne vndefaced: namelie ſeinge there was a ſpeciall mention made, and vvarninge geven forthvvithe to burne them, and make thē awaye. Neuer theleſſe, when you haue taken your beſte aduantage you can of them, ſuche kinde of lettres miſſiue and epiſtles, eſpeciallie not conteininge any expreſſe commādemente of anye vnlavvfull acte or deede to be comitted and perpetrated, not ratifienge or ſpecifienge the accompliſhemēte of anie ſuche facte alredye paſte, but by vnſure and vncertaine gheſſes aymes, and coniecturall ſuppoſings, are not able in aniewiſe to make a lavvfull preſumptiō: muche leſſe anie good & ſubſtanſtiall prouf not onlie agaynſt your Soveraigne and Prince, but not ſo muche as againſt the poreſt vvoman or ſymplieſt vvretched creature in all Scotlande. Suerlie the civill lawe Willeth, that in criminall matters (for ſuche are theis) the accuſers alledge and bringe fourth nothinge but that they maye be

In caſe the ſurmiſed letres vvere ſente by the Quene they can make no good prouf againſt her.

be able to approve and iuſtifie, by the teſtimonye of good and lawfull vvytneſſes, or by ſome other moſt manifeſt, cleare and euident prouf or preſumptions. *Sciant cuncti accuſatores eam ſe rem deferre in publicam notionem debere, quæ munita ſit idoneis teſtibus, vel inſtructa apertiſſimis documentis, vel indicijs ad probationem indubitatis & luce clarioribus expedita.* This rule owght to be obſerued and kept, in the ſimpliſt and ſelieſt poore mans cauſe that is. And thincke you novve, you moſt vngrate and vnthãkefull ſubiects, that ye maye lavvfullie take armes againſt your maiſtreſſe & moſt benigne Quene, that ye maye caſt her into vile priſon, and ſpoile her of her crovvne? And vvhiche ys more, of her good ãd honorable name, fame, and eſtimation? And then bleare mẽs eyes, and face the vvorlde owte vvith the ſhewe of theis lettres, as yt were with a carde of tenne? But yet ſaye you they are her lettres: ſhe denieth them, and we denie them to. There ys neither ſubſcriptiõ of the writer, nor ſupſcriptiõ vnto vvhome they were directed, they are neither ſealed nor ſigned: there appeareth neither date wherein they were dated, neither daye nor monethe. There ys no mẽtion made of the

l Fin. C. probat.

Vvhat exquiſite prouſes be required in criminall cauſes

Theys ſurmiſed lettres neither haue ſuperſcription of the vvriter, nor ſubſcription, neyther anye date, neither ſigned nor ſealed & the berer vven.

berer, Who is as yt maye be ſuppoſed, for any name he beareth, the man in the mone: He Was never yet knovven, nor hearde of that did either receave, or deliuer them. For as for hym that ye ſurmiſe Was the bearer of them, and Whome you have executed of late for the ſaide murther, he at the time of hys ſaide exēcution toke yt vpon hys deathe, as he ſhoulde anſvvere before god, that he never caried any ſuche lettre, nor that the Quene vvas participāte, or of counſaile in the cauſe. Thincke ye that vviſe & experte men are ignorante, hovve perelouſe and dāngerouſe a matter yt ys, to faſtē any good prouf vpon collation of lettres, and hovve eaſie yt ys to ſome men to imitate & counterfaite any character? the which a knight late diſſeaſed in Englande, coulde ſo livelie and ſubtilie doe, that he Who vvrote moſt crabbedlie & vnleageablie coulde hardelie diſcerne hys ovvne hande Writinge from the knights counterfeitinge hāde. But Who cōferred theis lres I praie your vvith your Quenes ovvne hande writinge? Dare you to Warrante them in this ſo perilouſe and weightie a cauſe, to haue bene ſo exquiſitelie and ſo exactelie vewed & cōferred vith all ſuche devve circunſtances as the ciuill

He that vvas the ſurmiſed bearer, at his deathe denied the ſame.

An eaſye thinge to cōterfeite a mās hād

lavve

lavve dothe require, vvere yt but a ciuill or a money matter? You vvill paraduenture anſvvere, that there vvas devve collation by you made. O perfecte and vvorthie collation? O mete and apte men for ſuche a purpoſe? As thovvghe yt ys not notoriouſelie knovven throvvghe ovvte the Worlde, that ye are her moſt mortall enemies, as thovvghe theis counterfeite lettres vvere not the vnderpropped poſtes and vpholders of your whole treacherie and vſurped kyngdome? As thovvghe that manie in Scotlãde coulde not expreſſe and reſemble, ãd counterfeite in theire vvritinge, the Quenes verie character? And as thovvghe there vvere not amongeſt your ſelves, ſome ſinguler artificer in this handicrafte, and that hathe ſente lettres alſo in her verie name aſvvell into Englande, as to other places beſides, vvithovvte either her commaundemente or knovvledge? Hovve cã I choſe thẽ but ſaie, that this deade ys your ſhamefull handicraft, & not her hande vvritinge. Yea ſuerlye, all this ys your ovvne fained forginge, moſt vile counterfeitinge. Yf you be ãgrie vvithe me for thus ſaiẽge by you, I hope you vvyll be ſone colde againe, ſeinge that I vvill not bringe ovvte anye deade vvitneſſes as ye

Theis lettres vvere fained & cõtritved by the Quenes adverſaries.

craftelie do contrarie to reaſon and lavve. *Quia teſtibus non teſtimonijs credendum eſt.* Nor ſuche like, but good, ſufficiente and lavvfull vviteſſnes, ſuche as ye can not by anie iuſt exception or tergiuerſation, auoide or elude. And thoſe are none other, but eauen your ſelues. For either you muſte bringe forthe good and apparente vvitneſſes to proue yt her hande, or ſome ſuche as Were priuie to the meaninge of the ſame lettres, wiche ye neither yet haue done, nor are likelie ever to doe, or ye muſte graunte that you Were priuie to them your ſelues Withe the Quene, or at leaſte Withe the ſaide Erle, Whom ye ſurmiſe to haue receaued theis lettres, or that all this ys by you maliciouſelie driuen and concluded. Yf ye graunte vs, that ye vvere priuie of the ſaide lettres, vve truſt then you vvill be good to the Qnene, ād yf yt were but for your owne honeſties ſake. Yf ye denie that, and vvith all that you Were the cōtriuers therof your ſelues, We praye you to tell vs and blushe not, hovve you coulde ſo redelie and ſo directelie hitt the interpretation of theis Words (our affaires) and What theis vvords ſhoulde meane, there beinge ſo manie affaires as you pretende in theis your fained

falſe

falſe lettres betvvene the Quene and the Erle. That onlie thinge, that by theis words ye ſurmiſe, pretende and coniecture. I ſuppoſe that yf you vvere vvell examined of this pointe vpon the ſodaine, and vvere vrged and vehementlie preſſed by anie indifferente and vpright iudge, you vvolde be ſomevvhat to ſeake: And yet take at your leaſure as good aduiſemente, and as longe conſultation vvithe your ſelues as ye can, and maie thincke mete: And ſeake as manie fine fetches as ye liſte, ye neuer ſhall ſhifte yt of, vvith honeſtie, nor vvell rydd your hands therof. Wherof I for my parte do take my ſelf full aſſuered, and therefore do thincke it a neadeleſſe diſcourſe for me to make any farther deſcante vppon ſuche an vnpleaſáte, iarringe, and vntunable plaine ſonge of your owne ſettinge ād makinge: And am right vvell contented that ye do make as gaie gloſinge cōmēts ād interpretations as ye liſte, and as your couninge ād skil will ſerwe you, to this your owne shamefull vntrewe texts. But nowe weighe and conſider vvithe your ſelues I hartelie praye you, and ſee vvhether that all your legerdemaine and cloſe cōueiances in your falſe playe, aſwell towchinge and concerninge

ninge your firſt Iuglinge boxe, as all your other like trickes and cuninge illuſions, be not fullie eſpied and plainelie and openlie Inovvghe layed ovvte to eache mans eie to beholde and vewe. And as tovvchinge your ſaide Iuglinge boxe, you haue bene verie fovvlie ād meruelouſely ouerſeē in the cloſe and cleane conueiance of your fingers. For that a man more then half blinde, maie perfectelie ſee and perceaue your fovvle plaie, for as muche as the verie ſelf ſaide dovvgleishe, vvhom amonge other ye haue executed and ridd ovvte of the vvaye, hathe ſaide and ſufficiētlie declared, for the Quenes innocencie. Naye, Naye parhapps you vvill ſaye, althovvghe our lettres, althovvghe our deadd Witneſſes, and althovvghe our other matters faile vs, yet vve hope that the litle fainte mourninge she made for his deathe, the acquitall of the Erle, and her pretēſed mariage vvithe him vvill, helpe your cauſe, and geue teſtimonie againſt her. And vvhy ſo I praie you? Was not his bodie enbalmed, inſeared, and enterred beſide the Quenes father, the late kynge Iames, accompaned vvithe Iuſtice clerke, the lorde of Traquare, and vvithe diuers other gentlemen? The ceremonies in deade

vvere

vvere the fevver bicauſe that the greatteſte parte of the counſaile vvere proteſtants, and had before enterred theire ovvne parents, vvithoute accuſtomed ſolemnities of ceremonies: Neither ys there anie ſuche order or cuſtome, as ye pretende and make your reckeninge of, for the reſeruation of the corps fortie daves, nor anie ſuche obſeruation vvas kepte and vſed, abovvte the corps of the verie father of the Prince, neither yet vvas there anie ſuche order taken or appoīted by the counſaile for the enterringe of the ſaide lorde Darley his bodie in ſuche ſorte as ye notefie, but euē directlie to the cōtrarie. Yea ye are as litle able to ꝓue, that there hathe bene anie ſuche cuſtomarie ſolēnitie obſerued, of ſo ſtraight ād ſtrange a mourninge, as ye moſt ſeuerelie vvolde reſtraine and binde the Quene vnto, as ye be able to proue the reſidevve of the premiſſes. But in caſe ye coulde vvell iuſtifie ſome ſuch vſuall order, yet ſhall ye neuer be able to shevve, that yt dothe extende ād apparteine to ſuche kinde of Quenes, as she ys. For they mourne theire huſbands vvho were kings, her grace mournethe after an other ſorte: ſhe a prince, her huſbāde a priuate man and her ſubiecte. They, asvvomē moſt commonlie do take theire honour ād cheif digni-

One anſvvere to the aduerſaries obiections, that the Quene did not mourne the death of the lorde Darley.

dignitie of theyre huſbands. Her huſbands encreaſe of aduãcemente came by hys matchinge with her. And further womẽ by the civill lavve, are in diuers caſes diſcharged & excuſed for theire omittinge therof, and forbearinge theire ſo doinge. And yet did this good gentle ladie bemone, even ſuche a notable time, enioinge and vſinge none other then candle light, as was knovven to all the nobilitie of Scotlande, and alſo to one maiſter Henrye killigrane, Who Was ſente thither by the Quene of Englande to her comforte, accordinge to the vſe and manner of Princes. Who had a longer time in this lamentinge vviſe continevved, had ſhe not bene moſt erneſtlie dehorted from her longer prolonginge therof, by the vehemente exhortations & perſvvaſions of her counſaile, who vvere moued therto by her phiſitians informations: declaringe to them the greate and iminente dangers of her healthe & lyfe, yf ſhe did not in all ſpeed breake vp and leaue that kinde of cloſe & ſolitarie life, and repaire to ſome good opẽ and holſome aire, vvhich ſhe did beinge this aduiſed and erneſtlie therto ſolicited, by her ſaide counſaile. All Whiche yet notvvith ſtãdinge this her facte, ys vvithe theis moſt ſe-

l Liberorũ §. de his qui mutãtur inf.

vere

vere and graue Censeurs taken for and reputed as the verye next sinne of all, to the most greauouse sinne against the holie ghoste. But ô good pitifull men who for the verie tender love, and singuler affectiō which, you dit euer beare to the lorde Darley (the Whiche trevvlie Was so vehement that for your excedīge hott & feruēte loue tovvards hym, ye ever sovvght hys harts bloudd) do nowe so pittifullie bevvaile hym. But yf she had by reason of the closenes of the aire, & somewhat longer cōtinewāce in her mourninge place, and in her dumpishe desolate and dolefull estate, accelerated her ovvne deathe vvithall, then had she by the Erle Murraies, and his adherents ghostlie Iudgements mourned like a good honest wif, and to theire best contentation: Yt beinge the right vvaye and redyest meanes to haue conueied and browght the saide Erle to that place, Wher unto he so longe and so gredelie aspired to, and the vviche novve at the lengthe he hathe atchiued and attained vnto. As for the residevve of theire saiengs, yf there be anie faut in the Quene, yt suerlie fallethe doble and treble vpon theis Achitophells. And the good innocente ladie,

ladie, Who hathe bene ſo vvretchedlie and ſo vnvvorthelie by them abuſed, and circumuented, ys more to be pitied, then to be blamed. The Erle Bothvvel was acquited by his peeres, accordinge to the comon and ordinarie trade and maniere in ſuche caſes vſuallie obſerued. Theis vnnaturall and diſloiall ſubiects, theis moſt shamefull craftie colluders her aduerſariers and accuſers, I meane the Erle Morton, the lorde Simple, the lorde Lindzaye, vvithe theire adherents and affinitie eſpeciall, procured, and vvithe all diligence labored his purgation and acquitall, wiche was afterwarde confirmed by the three eſtates by acte of parliament. Theis, theis I ſaie, wherof ſome are nowe the vehement and hott fault finders, and moſte earneſte reprouers and blamers of the ſaide pretended mariage, were then the principall inuentours, practizers, perſwaders, and compaſſers of the ſame. They procured a greate parte of the nobilitie, to ſolicite the Quene to cowple her ſelfe ī mariage withe the ſaide Erle, as with a man moſt fitt, apte, and mete for her preſente eſtate and caſe. Firſte alleadginge the dāgerouſe worlde, ād ofte inculcatinge into her minde and remembrance, the preſente

The conſideration

peril-

louſe time and dealings of men, wiche the *mouinge*, better to preuent, and more ſuerlie to with *or rather* ſtande, by theire counſaile and pſuadings *forcige the* enduced her, and by other theire craftie *Q. to thys* doings, as yt were, enforced ād conſtrained *pretenſed* her to take a huſbande, to be her comfor- *mariage.* ter, her aſſiſteur, her buckeler, ād her ſhilde, to defende her againſte all her whatſoeuer aduerſities and aduerſaries. Yf she woulde be contented ſo to do, they promiſed him ſeruice, and to the Quene loyall obedience. Yea manie of them bownd them ſelues to the ſaide erle, by theire owne hande writinge, to aſſiſte, mainteine, and defende him againſt all men, that wolde then after challēge or purſewe him, as gwiltie of the ſaide crime. The wiche theire doings, the Quene conſideringe and fearinge dangers īminēt, and withall callinge to minde the ſondrie and diuers vprores and ſeditions, alredie made againſt her, the wretched and moſt cruell murther of her Secretorie in her owne preſence, the late ſtrange and miſerable murther of her huſbande, the diſtreſſe, the diſcomforte, and deſolation wherein she was preſentlie bewrapped, the Erles actiuitie in martiall feates, and the good ād faithfull ſeruice done by him to her mo-

ther

ther, and to her ſelf fearinge ſome newe
ād freshe ſturre ād calamitie, yf she shoulde
refuſe her nobilities requeſtes (thowghe
verie circumſpecte and naturallie prudente
in all her other doings) yet neuer theleſſe a
woman, ād eſpeciallie neuer to that howre,
ons admoniſshed either openlie or priuate-
lie after the Erles acquitall, that he was
gwiltie of the ſaide facte, nor ſuſpectinge
any thinge therof, yeldeg to that, to the
wiche theis craftie colludinge ſeditiouſe
heads, and the verie neceſſitie of the time,
(as yt then to her ſeamed) did in a manner
enforce her. Lett them nowe laye on lode,
lett them nowe rage and raue againſt this
acquitall and mariage: Lett them lie, to
theire owne ſhame, vpō theire owne deui-
ſes, and doings, thereby to defame theire
Quene. Lett them lie that the Erle of Hunt-
ley was reſtored to his fathers patrimonie,
to procure his ſiſters cōſente to the deuor-
ſe betwene the Erle and her, whiche reſtitu-
tion was made, but not for that conſidera-
tion, but bicauſe the Quene thovvght in
her cōſcience, his father vvrongfullie con-
demned. Lett them crie owte vpon the Erle
Bothvvell for that the ſentence of diuorſe
vvas promulged partelie by force, partelie

vvith-

withoute the iuſte and vſuall order of the lavve, and vvithoute ſufficiente prouf. Lett them crie ovvte vppon him for his violente takinge and deteininge the Quene. Yet yf they cannot preciſelie proue the Quenes cõſente to anie of his vnlawfull acts, as they ſhall neuer do: then can they not gett or gather any iuſte occaſiõ (whiche ys the thinge they onlie ſeake for) to ſuſpecte the Quene of this greauous acte. On the other ſide yt ys vvell knovven and eaſelie to be proued, that this faction, did chefelie procure, as we haue ſayde, aſvvell the acquitall, as the ſuppoſed mariage, ād therefore by likelihodd was priuie of all other conſequente deuiſes and practiſes. Wherefore they do nothinge but blovve ovvte, and blaſe to the vvorlde, withe theire owne fovvle filthie mowthes, theire owne ſhame. And do fare like a man, that dothe thruſte a ſvvorde throvvghe bothe his ovvne ſides, to pricke a litle, and raiſe but the ovvtevvarde skynne onelye of his enemy. Ye maye novve vvell parceaue (gentle reader) that hitherto they haue produced litle matter of creditt againſt theire Quene, and yet as yt appearethe, verrie good matter againſt them ſelues, and for theire ovvne diſcreditt. Novve

maye ye therefore eaſelie coniecture, and by theis theire cheif and principall matters and grovvnds, eaſelie perceaue, vvhat accompte ys to be made of all the reſidevve of theire levvde ſlaunders, and vvhat ſmall force and ſtrenghe, all theire vvhole ſayengs do beare. They ſee yt, they ſee yt vvel inovvghe them ſelues, good reader, vvherby they vvell perceaue, and fullye vnderſtande, that they altogether are vnable to beare ovvte and mainteine by reaſon, luſtice, or lavve, theis theire ovvtragiouſe and ſeditiouſe procedings. And therefore they ſett vpon them the beſt colour and countenance they can. Where in you shall novve heare, what they did alleadge beinge in Englande for them ſelues. They ſaye that no man can charge them, or the reſidevve of theire nobilité, that they haue gone as much as one onlie ſteppe, frō the office and dewtie of good ſubiects, ī takīge armes againſt the owtragiouſe enormities alredie cōmitted, ād to preuēte the greate dangers imminente to the pſons of theire Quene, ād her deare ſonne, to theire nobilitie, and to the vvhole ſtate of theire vveale publike. And that yt was no ſmall harts grefe to them, to heare vvhat vilainie all natiōs thowght and

The aduerſaries declaration before the Quene of Englands commiſſioners.

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openlie ſpeake of them, for ſufferinge ſuch a tragicall matter to eſcape vnpuniſshed, vvhiche thinge engendrethe of vs (ſaie they) amonge ſtrangers, ād all forren nations an yll and ſiniſter opinion of ſome cōmen cōſente therto made by our vvhol nobylitié. Yea to ſee alſo the verie executor therof hym ſelf, by violēte force, to teake, deteine, and kepe his & theire Souereigne, ād withe marienge vvith her to diſtaine her honour. Wherefore to ſett her maieſtie at fredome owte of his bōdage, to preſerue her honour, and the pſon of her ſonne, and by dewe puniſshemēt of ſuch a malefactour, to recouer theire good name and eſtimation, vvith the reſte and quietnes of theire cuntreye: When they had but in vaine attempted aſwel all other meanes, as by the offeringe to the Erle ſingulier battaile, they were driuē to gather force, to reſiſt them, Who came to the felde againſt them withe a ſtronge armie. But he refuſinge either to wage ſingulier battaile, Whiche vvas then offered to him, or to ioyne in battaile vvith theire campe, eſcaped by flight. The Quene in the meane vvhile rendred her ſelf into the nobilities hands there aſſembled, and by them vvas conuayed to Edenborovvghe: But

afterwarde they were of verye neceſſitie compelled to ſequeſter her, vntill ſuche time, as ſome remedie might be fownde for theis matters, into Lochleven, where ſhe hauinge nowe adviſed withe her ſelf, and fullie perceaved her ovvne diſabilitie to ſuſtaine the weight of ſo greate a rome, freelie & voluntarelie by theire ſainge, gaue ouer the crowne to her ſonne: appointinge the Erle Murraie, beinge at that time owte of the realme, to be regente therof, duringe her ſonnes minoritie. The Erle Bothwell not longe after, beinge by them purſued fledd the realme, to eſcape theire hands. Now this ſaid reſignatiō, by the Quene ons made to her ſonne, he was forthvvithe by them ſolemlie crowned, and he as kinge, the Erle Murraie as regent obeied, and the ſtate of bothe theis regimēts, was by acte of parliamente eſtabliſhed. Wher vpon quietnes begane to encreaſe, and iuſtice more ād more dailie to take place. Whiche yet ſome pſons (ſaie they) muche enuienge at, to the dyſturbance of the ſame, and of the kinge hys authoritie, firſt practiſed, cōtrarie to the ſaide theire Acte of parlement, the Quenes deliurance oute of Lochleven, and then ſhewed them ſelues in armes. But as theire attēpte,

ſaie

ſaie theye, was vnlawfull, ſo the victorie fell againſt them, on owrs the righteouſe ſide, Whereby god hym ſelf ſeamethe to haue geuen ſentẽce for the equitie of our whole cauſe againſt our aduerſaries. Theis are the principall allegations, theis good men haue propoſed, for the iuſtification of theire procedings againſt the Quene, before the moſt excellẽt and mightie Princeſſe Elizabethe Quene of Englande. Finallie, they ſaie that the moſte parte of them ſelues, are for particuler benefitts priuatelie ſo muche beholdinge to theire ſaide Quene, that a nomber of thẽ coulde be contented, and vvell willinge, yf they might prẽſerue Scotlande in the ſtate of a kingedome, preſeruinge alſo the profeſſion of trewe religion, withe the kings perſon, & the whole ſtate from danger, to liue Willinglie in perpetuall exile & baniſhemente. God be thancked, that after that theis ſeditiouſe & trayterouſe ſubiects, haue bene ſo ſtovvte and ſtorminge in the reconinge vpp and accumulatinge of faults & offenſes, of theire innocẽte maiſtreſſe & Quene, they are yet at the lengthe forced to anſwere for them ſelues, and for theire exceſſiue outragiouſe rebelliouſe doings: Theire gaie glorioufe glitteringe excuſes,

maye phapps at the firſte ſhewe, ſeame to ſome of the Readers, to have a iolie face of muche probabilité, greate trewthe, and feruente zeale to the Weale publike. But maie yt pleaſe them advyſedlie and deapelie to ponder and Weyghe, aſwell what we have ſaide, as what vve further ſhall ſaie, in ſupplemente of full anſwere, and then to indge and deme of the matter, none otherwiſe then reaſon, equitie, & lawe do craue. They ſhall at lengthe finde owte, and throwghlie perceaue and knowe, theis mens dealings and doings, Who as yet cover theire fovvle filthie lienge, dereſtable practizes, and traiterouſe enormities, withe ſuche a viſarde of counterfeite falſe fained holines, and ſuche excedinge greate ſhewe of zeale to the Quenes honour, in puniſhinge off malefactours, and to the preſeruatiō of the ſtate of the realme, as thowghe all the worlde vvolde fall, and goe to rewen, yf yt were not vpholden & vnderpropped by the ſtrēgthe of theire ſhowlders. Theie ſhall ſee hovve they will appere in theire owne naturall likenes, ſo ovvgelie, that all good harts vvill vtterlie deteſt them, and thincxe them moſt vvorthie for example ſaxe, to all the Worlde hereafter, of extreme puniſhemēte.

We affirme then firſt that as they have produced nothinge in the vvorlde tovvchinge the principall points: As of the lorde Darleies deathe, the acquitall of the Erle Bothvvell, and the Quenes mariage vvith him, iuſtlie to charge her vvithall: So are theie them ſelues, aſvvell for the ſaide acquitall and mariage, as for theire damnable and rebellyouſe attempts againſt theire Sovereigne, and for manie other enormous crimes, ſo farre and ſo deapelie charged, ſo fovvlie ſtained, and ſo ſhamefullie marked and noted, that never ſhall they Withe all theire hypocriticall fine fetches, be able to rubbe ovvte the dirtye blotts therof from theire ſkirts. Whiche thinge vvilbe eaſelie perceaved of them, that vvyll vouchesauf and aduiſedlie cõſider the fonde, friuolouſe and contradictorie excuſes, they make in theire ovvne defence. At the begininge theire open ſurmiſed quarrell (vvherby they vvente abovvte to dravve the peoples harts to them ſelves, and to ſtrengthen theire ovvne faction) ſtode in three poynts, as appearethe by theire excuſes, and by theire pretenſed proclamations. The firſt vvas, to deliver the Quene from

The cauſes that the Rebells p̃tended at the begininge.

the Erle Bothevvell vvho violentlie deteined her, and to preuent daungers, imminēt to her parſon. The ſeconde to reuenge the kings deathe vpon the ſaide Bothvvell, vvhom they knevve (as they pretended) to haue bene the principall doer inthe execution of the ſaide murther. The thirde Was, to preſerue the yonge Prince, the Quenes ſōne, This ys theire iolie and hólie pretēce. Novv lett vs ſee hovve conformable theire vvorthie procedings are, to theis theire colorable cloked holie colluſions. The fyrſt gentle and humble admonition that theis good louinge ſubiects gaue her, to reforme the ſurmiſed enormities, vvas in battell arraye at Bortvvike caſtle, vvhiche they thovvght vpō the ſodaine to haue poſſeſſed vvith the Quenes perſon: vvher vpon they beinge diſapointed therof, gatt into the tovvne and fortreſſe of Edenborowghe, by the treaſō of Balfoure the capitaine therof, and of Cragmiler the prouoſte of the citie. Wherbi they beinge the more animated to followe and proſequute theire vvicked enterpriſe, begane nowe to be ſtronge in the filde. The Quene hauing alſo a good ſtrōge armie, and thinckinge her ſelf vvell able therby to encounter vvithe the ennemie,

An anſvvere to the firſt.

and

and to repreſſe theire furiouſe outrage, yet not vvitheſtandinge, for the greate loue ād pittie ſhe toke of them (thovvghe rebelliouſe ſubiects) Wilinge as muche, as in her laye to kepe and preſerue theire bloudd from ſhedinge, offered them fayre of her owne free motion, that yf they wolde, peaceablie come to them, and take dewe and conuenient order for the redreſſe of all ſuche things, as might appere by lavve and reaſon mete to be reformed. Wher vpon the lorde Grange was ſente by the lords to her, Who in all theire names moſte hūblie vpō his knees, aſſured her of all dewe obedience, of ſecuritie, and ſauftie of bothe her life and honour: And ſo the good ladie (her conſcience beringe her vvitnes of all her iuſte and vpright dealings and therefore nothinge miſtruſtinge) diſmiſſinge her armie, yelded her ſelf to the lords, Who conueyed her to Edenborowghe, ād there ſett her at ſuche a meruelouſe libertie, and in ſuche ſecuritē and ſafetie that all good men to the Worlds ende, Will vvonder at theire excedīge good loyaltie. Fyrſte kepinge her owne pallace, they ſett and placed her in a marchants howſe, and vſed her otherwiſe verie homelie. She nowe conſideringe, and

The lorde Grange p-miſed vpō his knees obedience in all the rebells na-mes.

per-

perceauinge, to vvhat ende theis matters tended, moſt pittifullie cried ovvte and called vpon them, to remember theire late promiſſe, or at the leaſte, that ſhe might be browght before the counſaile, offeringe to ſtande to the order and direction of the ſtates of the realme, but God knovvethe all in vaine. For novve had they the praye, vvheron they intended, to vvhett theire bloudie teathe, or they did diſmiſſe or forgoe her, as the euente dothe declare. Wherefore in the night priuelie ſhe vvas conuaied, and vvithe haſte in diſgvviſed apparrell, to the ſtronge forte of Lechleuen, and after a fevve dayes beinge ſtripped ovvte and ſpoiled of all her princelie attyremẽte, vvas clothed vvith a courſe brovvne caſſocke. After this theis good loyall ſubiects, practiſinge ãd encreaſinge more and more dailie the performance of theire ſaide promiſed obedience, neuer ceaſed vntill they had vſurped the full auctoritie and regiment of the vvhole. In to the vvhiche thovvghe they had entruded them ſelues, yet ſeinge as blinde as they vvere, by diſordinate, vnſeamlie and vnmeaſurable ambition, that the Quene remained and vvas ſtill Quene, and that there vvas no iuſte

The Queue inpriſoned at lochleuen.

cauſe

eauſe by the ordinarie courſe of the lavve, or for anie her demerites & deſerts to brīge her forthe to her triall, that she might be conuicted ād depoſed, vvent like good honeſt plaine men, and vvell meaninge ſubiects, bluntlie to vvorke, and conſulted and determined to diſpatche and ridd her ovvte of her lif, vnleſſe she vvolde yelde to them ād ſubſcribe ſuche vvritings, as they vvolde ſende to her concerninge the demiſſion of her crovvne to her ſonne, and the regimente of the reaulme to the Erle Murraie. Wher vpon the Erle of Athole, Secretorie Ledington withe other principall of theire factious bande, ſent Robert Miluen to Lechleuen to vvill her in anie caſe, yf she ſovvght the ſauuegarde of her life, to condiſcende to ſuch demandes and to ſett her hande toſuche vvritings as shoulde be propoſed and brovvght vnto her. Whiche as they ſaide to do, neuer coulde be preiudiciall to her, beinge by force and violence extorted. Syr Nicholas Throkmarton alſo beinge then ambaſſadour there for the Quene of England, gaue her the like aduice. Novve at the laſte comethe the lorde Lindzaye, ſente in comiſſiō from theire counſaile, to preſente and offer

The Quene threatned to be ridd avvaye, yf she wolde not renōce her crovvne.

offer vnto her, the writings: who moſt greuouſelie withe full fearefull words, & verie cruell & ſterne countenãce threatened her, that vnleſſe ſhe Wolde therto ſubſcribe, ſhe ſhoulde loſe her life. But call you this a free and voluntarie yeldinge ouer and reſignation of the crovvne? A voluntarie aſſignation of the regimente to you the Erle Murraie? Yea ſuerlye, as free and voluntarie, as a man withe hys ovvne hands, caſtethe into the ſea hys goods, in a maine and raginge tempeſte frelie and voluntarelie: ſavinge that paraduenture ye maye replie and ſaye that there ys ſo muche wyll in hym, that he had rather byde the aducture of hys goods & riches, then of hys verie life, beinge contented to redeme the ſaufegarde of hys life withe the loſſe of hys goods. And yet as voluntarie as ye make yt: Free and voluntarie ye ſhall no more make yt, then ye ſhalbe able to prove, that the peoples good will was alienated from her, as ye ſurmiſe. For the procuringe werof, ye have by your craftie ſlaunderouſe leaſings and wretched practizes, done all the endevour, your maliciouſe and ſpitefull braines coulde inuente and ſearche oute. But ſuerlie your doings have bene ſo gratiouſe, that yf ſhe had be-

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ne ſo gtatiouſe, that yf she had bene deadelie hated before, they might haue procured and gotten her a vvonderfull loue and fauour of the people againe. And vvhereas she vvas (eauen as she well deſerued) moſte entierlie and tenderlie beloued before, novve ye haue by theis your ſo tragicall and tirannicall procedings, purchaſſed to her ſuche an augmentation and encraſe of the ſame (eſpeciallie vvhen that the people amonge vvhome for a vvhile, ſome ye haue throvvghe your colorable craftie conueyances, made to miſdeame, and haue somevvhat the vvorſe likynge of her, ſhall throvvghelie and perfectelie vnderſtande and knovve your ſaide vvilie policies, as more and more dailie they do) that she shall be muche beholdinge, but no God haue mercie to you therfore But novve to procede and goo forevvarde vvithe your louinge loyall procedings tovvards her, ye neuer ceaſed nor ſtayed, vntill ye had procured ád obteined a colorable parliamēte, vvherebie ye gott your vſurped and vnnaturall kingdome ratefied and confirmed: And not onlie all your vvicked practiſes, alredie paſte, but eauen vvhat miſchefe ſoeuer you vvolde, shouſde aftervvarde paſſe alſo,

alſo, againſt her quietnes and ſaufetie. And thus beholde theis hũble obediente, & lovinge ſubiects, have purchaſed ãd procured a commiſſion longe before hande, the like wherof, as I ſuppoſe, was never ī the vvorld harde of afore, in any vvhatſoeuer rude ſavage, ãd barbarouſe natiõ or cõntreye, to ſlaie, kyll, and murther theire ovvne Sovereigne Quene, & a moſte innocente Ladie, at theire ovvne vvills and pleaſure. The vvhiche theire ſaide commiſſion, they had in this vviſe executed longe ere this, as yt ys crediblie thovvght, yf God had not ἀνὰ τῆ μηχανῆ, as the proverbe ys, vvonderfullye eluded, and myraculouſelie fruſtrated thys theire miſchevouſe maliciouſe purpoſe and entente. And yet ys there one iniurie more, that dothe greaue more, and moleſte this good gvviltleſſe ladie, thẽ all theis foretolde naughtie partes played of them againſte her. And ſuerlie not vvithoute iuſte cauſe of greyf, for in deade yt farre paſſeithe and excedeithe them all. And that ys theire ſhamefull & moſt traiterouſe diffaminge her, beinge all togethẽr innocẽte therein, vvith the deathe of her huſbande, as thovvghe that ſhe had ſuborned the Erle Bothevvell therto, and revvarded hym therefore vvith

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the mariage of her ovvne bodie. Here perchaunce they vvill ſaye, Marye this ys our cheif quarrell in deede, this vvas the marke vve principallie ſhott at. The greate love and zeale vve beare to Iuſtice, and the earneſt deſire vve have to purge and ridd the realme of the ſlaunder and infamie, that ariſethe therto by this horible facte, movethe and ſtirrethe vs vpp to ſeake by all meanes vve can, the puniſshinge of the ſayde Erle, vvho vvas the comitter, and cheif perpetratour therof. Yf yt ſo be, ſuerlie there ys vppon the ſodaine comen vpon you a meruelouſe devotion. For Whie? Were not ye and your bande and adherents the cheif and principall authours, aſſiſters, favvters, ayders and abatours, for the clearinge and iuſtifienge of the ſaide Bothvvell accuſed and indighted, as gvviltie of the ſaide murther? What ys yt that makethe you novve ſo hott, that then vvere ſo coulde? Belike the vvorlde and vvether ys a nevve changed and altered of late. Yet tell vs vve praye you in good erneſte, vvas your principall ſcope & zeale, to apprehende the Erle Bothvvell?

An anſvvere to the ſecõde.

tell

The Quenes ennemies dimiſſed the Erle Bothwell whē he might haue takē him.

tell vs then a good cauſe whie you dimiſſed him, vvhē you might haue had him at your pleaſure? Did not the foreſaide Grange, comminge to the Quene from you, ſpeake to him alſo? did he not take him by the hande, vvill him to departe, aſſueringe and telling him, that no man shoulde followe to purſewe him? Did not the Erle remaine in the cōtree at hande manie monethes after, vntill the returnīge home of the Erle Murraye? And then for a face and countenāce, there were made ovvte to the ſeas certaine shipps to apprehēde him, yt beinge of you pretended, that he vvas novve become an arrant pirate ād rouer vpon the ſeas. Naye, naye, yt vvas not he you ſo longe ſovvght after: yt Was an other birde, and her ye had faſte in the cadge, and therefore ye permitted the Erle to flye vvhither he vvolde. But yet you ſaye in your accuſation putt vpp to the Quene of Englande and her commiſſioners, that as he vvas the cheif executour of the ſaide lorde Darleys deathe: ſo she vvas of the fore knovvledge and counſaile, yea and the mainteiner therof alſo, ād therfore she bothe ſtopped the inquiſition of the facte, and punishemente of him: And alſo matched her ſelf in mariage with him:

I aſke

I aske then, as before of you, vvhie throvvghe the ſpeciall ſuite and procuremente of your faction, he vvas acquited and ſett on cleare borde? Whie did you vvithe a greate parte of the nobilitie, moue, further, and vvorke the ſaide mariage as moſte meteſte and neceſſarie for your Quene? Whie did you as by your hande vvritinge yt vvill appere, próferre and promiſe to hym your faithfull ſervice, & to her your loyall obeyſſance? Why dyd none of all your faction, nor anie other elſe eyther openlie or priuatelie declare & detecte this matter to your Quene, before the prerended mariage? Was there no tyme nor occaſion and oportunitie, to geve her warninge therof, but by the terrible and fearefull blaſte and ſownde of the martiall trompett? For ſhe (good innocente ladie) hathe vpon her honour proteſted and planelie declared (the wiche her ꝓteſtation alſo, the diſorderlie, ambitiouſe and tragicall doyngs, of theis rebelliouſe and traiterouſe ſubiects do muche helpe and confirme) that afore her takinge and impriſonmente, ſhe never knewe, who were either principall or acceſſarie: or by anie meanes culpable and blame worthie, concerninge the ſaide murther. Towchinge

The Queenes enimies bownde by theyre hãde wrytinge to bey the Erle Bothevvell if he maried the Quene.

An anſ-vvere to the thirde.

the thirde pointe yt ys not vvorthie the cõ-futinge, for theis ſame men knevve right Well, that the Quene had putt her ſõne ſaulf and ſuer inovvghe in the gvvarde ãd cuſtodie of the Erle of Marre. But ſee I praye you the impudencie of theis men: And conſider hovve muche yt ys to be muſed and merueled at, Who are not aſhamed to publiſhe by open edicts and proclamatiõs, that the Prince thoulde be in more ſecuritie and ſaufegarde vnder the protectiõ & kepinge of the Regente and vſurpinge rebells, then vnder the hands and bringinge vppe of his ovvne moſt naturall & deare mother, withe diuers other the like vnnaturall, ridiculouſe and abſurde propoſitions. God bleſſe hym and graunte hym no worſe to ſpeade, then hys moſt tender and louinge mother dailye wiſshethe, ãd cõtinuallie praiethe for. Who, good ſvvete babe, yf he had age and diſcretion to vnderſtande theire doings, vvolde geue the Erle Murraye and his fellovves but coulde thancks, for the intrudinge of hym againſt his good mother, vnto the crowne and gouernemẽt of the realme, but vvolde and myght vvell ſaie, that this vvas but a colour vnder hys ſhadowe to ſtrengthen him the ſaide Erle, againſt hys good mother and

The Prince yf he vvere at age wolde not like thenmmes doings againſt his mother.

and perchannce againſt hys owne ſelfe to. Hys owne vnnaturall coronation alſo (thovvghe theis men muche bragge yt ſolemnelie and orderlie to *h*ave proceded) he wolde as muche miſlike. Neyther vvolde be bye yt ſo deare, nor come forthe to be a kinge ſo vnnaturallie, as the vipers enter into the worlde by eatinge and gnavvinge ovvte *th*e mothers vvombe. He vvolde demande and aſke vvhat ſtrange nevve fovvnde ſolemnitie, and fonde manner of coronation this Was. For *th*e matter beinge of ſo greate and vveig*h*tie importance, of one hundred Erles, buſshopps, and lordes, and more that haue voice in parliamente, vvherof all or the more parte of them ſhoulde have an agremẽte, likinge, and conſente, as to all other, ſo to theis publike doinges alſo: there vvere no more preſente but fovvre Erles onelie. Wherof the moſt *h*onorable, *h*ad not the ſeventhe or eyght voyce in the parliamente amonge the Erles, nor yet the firſt of tvventie voyces amonge all the ſtates. We had farther but ſixe lords, Who alſo vvere ſuche, as had laied theire violente hands vpon theire Quene afore, and putt her in priſon. And leaſt all

He vvas vnlawfullie crovvned.

ſhoulde be voyde, yf they ſhoulde ſeame to lacke theire full congregation of the ſpiritualitie and temporalitie, in leapeth one buſshoppe, and tvvo or three abbotts and Priours. But yet, vvere there not ſolemne proteſtations I praye you then openlie made, and authenticall inſtruments therof made alſo, that what ſoeuer vvas that daye done either for the coronation and inueſtinge of the kinge, or for the eſtabliſshinge of a regente, or otherwiſe againſt the Quenes royall eſtate, and perſon: yt ſhoulde not be to her in anie pointe hurtefull or preiudiciall, as beinge then violentlie deteined and impriſoned? Well you vvill alleage paraduenture, that all theis procedings vvere ratefied and confirmed by acte of parliamente. Yet all this not vvithſtandinge, thys noble impe, yf he vvere at ripe yeares, vvolde no dowbte acknovvledge and allovve no ſuche diſordered parliamente. But vvolde enquire of you vvhat authoritie you had to call and ſomon the ſaide parliamente? He vvolde ſaye, that the ratefienge of the ſaide dimiſſion of the crovvne by his mother, ys not allovvable or to be approued

Vvhie the confirmation of the rebelles doings made by an acte of parliamēt ys nothīge vvorthe.

ued. Firſte by cauſe ſhe vvas then in priſon, and not at her owne libertie: nexte by cauſe yt vvas done by violence and forced withe feare of life, and ſo vvhatſoeuer vvas builded vppon this fovvndation, beinge of ſuche vveakenes, and ſo vnſtable, coulde neuer be firmelie and ſuerlie eſtabliſhed ād corroborated. He vvolde farther ſaye, that diuers of the cheif and moſt principall amonge the nobilitie, nameli the Erles of Argile, and Huntley vvith the lorde Herris, vvolde not in anie vviſe accorde or agree therto, othervviſe then yt ſhoulde ſtande vvithe the Quenes voluntarie will, voide and free from all manner of threatninges, force, and violence. Wherof they did full earneſtlie and ſolemlie proteſte, requiringe theyre proteſtations to be enacted and recorded. He vvolde moreouer ſaye, that he coulde in no vviſe, vvell like of that parliamente, that ſhoulde ſo diſhonour his ovvne good mother, and make her to be an infamouſe Princeſſe, havinge none other grovvnde and prouf to leade them to do ſo, but onelie a fevve vncertaine gheſſes, and vnknovven obſcure lettres.

He vvolde no dovvbte for all theis mens vaine boſtinge and bragginge of Iuſtice and quietnes, moſt tenderlie lament and vvofullie bevvaile, the miſerable and pittifull caſe, and dolorouſe ſtate of that ſelie poore ragged, and rent realme, the vvretched and infinite robberies and ſpoiles cōmitted and done vpon the trevve loiall ſubiects therof, beinge dailie moſte greavouſelie oppreſſed, and ſhamefullie murthered: And the vvhole realme ſo merveloufelie maimed, that the verie outevvarde enemye dothe ſore lamente to ſee yt, or heare therof, and that vvilbe wondered at of all the poſteritie, ſo longe as the vvorld dothe ſtāde. He Wolde yet ſaye, that in caſe there had bene no iniurie offerid either to his mother or to anie other, he vvolde not ſuche miſerie ſhoulde throvvghe hym, or vnder hys name be cavvſed or occaſioned, thovvghe he might purchaſe therby, the greatteſt empire in the vvorlde. Thus maye euery man ſee & perceaue howe diſhonorable & howe diſloiall your acts & doings haue bene, and alſo hovve diſagreable to your ſaiengs proteſtations and pretenſes. For ye pretended, at your firſte ſeditiouſe motion (as vve haue declared) the Quenes libertie and honour, and that ye vvolde duelie and feaithfullie

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serue her, vvhiche your seruice vvhat yt was let your doings declare. Ye make pretence that ye toke armes cheifelie for the apprehension of the Erle Bothvvell, and yet ye dimissed and lett hym goo, beinge presente, and neuer but longe after, and colorablie sovvght him. Ye ptetended the quietnes ād peaceable gouernemēte of the realme, but the realme vvas never theis manye hundred yeares so disquieted & turmoiled vvithe so sore stormes ād blustering tempestes. Ye p̄tended at your first inueienge ād cōference agaīst your sayde Maistris before the Quene of Englāds comissiōers, that she findinge her self vnable and vnmete to rule and gouerne her realme and subiects, voluntarilie yelded vpp and surrendred the crowne. But the contrarie ys moste apparētlie knovven: Yea you your selues about tvvo monethes after, quite forgetinge your firste allegatiōs saye, that the states of the realme of Scotlāde depriued ād deposed her. At What time ye also made solēne hypocritical ād cloked ꝓtestatiōs, how lothe you Were to publishe and detecte anye matter to her dyshonour. Wherto might be replied against you, aswell the rule of the lawe, that *Protestatio contraria facto, non releuat*, As the olde Prouerbe:

The incontstancie of the Quēs ennemies, first p̄tendinge before the Q. and counsaile of Englāde, her voluntary dimißion of the crowne ād that afterward that she vvas deposed.

Crocodili lachryma., the falſe traiterouſe teares of the hypocriticall Crocodyll. Fie therefore and owte vpon theis your Crocodile teares, whereby you wolde perſwade & make the worlde beleave, that you wolde redeame and ſave her honour withe your perpetuall baniſſement. And as for the religiō ye ſpeake of, yt were muche to be merveled, and ſore to be pitried, yf that yt coulde not be mainteined and borne owte withoute ſuche fowle dyshoneſt & owtragiouſe meanes and ſhyfts. But all this your greate feare, leaſte that Scotlāde otherwiſe ſhoulde not be able to have and beare the countenance and maintenance of a kyngdome, ys mere vaine and frivolouſe, and altogether neadleſſe. For whye ſhoulde you thus feare, havynge ſuche a noble Quene liniallie deſcendinge from the Royall race, of the noble Kyngs of Scotlande, and inheritinge the crovvne therof, of ryght. She havinge beſyds (God be thancked therefore) ſo goodlie a noble Impe, when the tyme ād lavve callethe hym therto, to ſuccede hys mother: vnleſſe that ye be maiſtre knoxe hys ovvne good ſchollers, and ſuche of hys affinitie, that have ſett vpp & erected a iolie nevve ſcole (as we haue declared) teachyn-

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ge that yt ys not lawefull for a womā Prince to haue civill gouuernemente. Theis ād manye the like things vvolde this good & gratiouse Impe, reasonablie, ād like a good naturall louinge childe tell ād reprove you of, yf he vvere of discretion & intelligence to weighe and consider your strange procedings and deuellishe dealings, against his most deare and tēder mother. Yea he wolde tell you, that hys mothers inestimable and vnmesurable benefitts, vvere vvell ād worthelie emploied, and bestowed vpon suche a wicked and vngrate generatiō. He wolde also saye and tell you, that you shoulde purchase your selues small renovvme, and litle revvarde of God, or of the vvorlde, for this your false fained paciēce, in hearinge your selves called (and that full vvorthelie) traitours and rebelles. No more suerlie then yf ye had harde, as novve ye muste (for thys daintie dishe vve have reserved for your ovvne tothe to the laste course) and so proved vvithall, the deuisers and procurers of the shamefull, vile vilaynouse murther of the noble yonge lorde, the lorde Darley, your ovvne maistresse & Quenes most deare husbande. Whose tēder harte, never anye worldlie thinge so nighe and so deapelie

A strange doctrine of maistre knoxe against vvomans gouuernement.

pear

peared as did this mischeuouse acte. Ye triumphe and vante of your gloriouse victorie, and of the vnmercifull slawghter, ye haue made vpō the Quenes moste louinge loyall ād feaithfull subiects. Ye valewe mesure ād rule thereby, the goodnes and equitie of your quarell and cause. But this rule dothe not alvvayes holde as neuer hauinge exception and instance. The Israelites quarell againste the tribe of Beniamin, risinge vppon a trevvthe and horrible facte perpetrated ād comitted by the Gabaonites, whō the Beniamites did defende (and not vppon false fained doings and outeragiouse ambition, as yours doth agaīst your Souereigne) vvas a thovvsande times better, and more iuste, then ys this your pretensed quarell, ād seditiouse vprore. And yet the Beniamites gaue them a sore greauouse and pittifull ouerthrowe. But yf scripture onlie vvill not satisfie you, hearken to kinge Priamus who sayethe that in Warre osten times the good and the honest goe to vvracke, vvhereas verletts, theues, and liers do escape.

The Quenes ennemies fondlie triūphe of theyre victorie against her trewe subiects.

Iudic 20.

The victorie sometime fallethon the worseside.

Iliad: 24.

Τοῦς μὲν ἀπωλεσ' Ἄρης, τὰ δ' ἐλέγχεα πάντα λέλαπται
Ὑσύσαιτ' ὀρχησταί τε χοροιτυπίησιν ἄριστοι
ἀρνὼν οὐδ' ἐρίφων, ἐπιδήμιοι ἁρπακτῆρες.

And suerlie yt vvere no yll counsaile for

you

you to remember vvithall the olde ſayenge *Reſpice finem*: take good head what maye fall ovvte at the ende. Ye do litle vveighe and conſider the greate prouidence of almightie god in this facte, Whereby he ſeamethe to haue prouided ſuche an indifferente vvaye and ſo free from all ſiniſter ſuſpition, for the prouf and iuſtification of the Quenes innocencie and integritie, and for the maintenance and preſeruation of her name and honour(the vvhiche ſhe eſtemethe and preferrethe afore all earthlie things)and for your vtter confuſion and ſhame,the like vvherof coulde not by man be fovvnde. What ſhall I then ſaye to you? Hovve ſhall I begine or vverein to you? Suerlie I maye vvell crye ovvte ô Heauen ô Earthe, ô God, ô Man,hearken, hearken to ſuche a heinouſe deavilliſhe deuice and drifte, as dovvbtleſſe, neither tragedie nor anie recorde of antiquitie can lightlie reporte a more heinouſe: Hearken I ſaye to this deteſtable and abominable facte. Hearken of ſubiects that haue conſented vnto, and cauſed theire owne Princes huſhande to be ſlayne,ād not cōrented to enioye theire owne impunitie of ſo horrible and greauouſe a crime, haue

ſovvght

ſought and inuented meanes and vvayes vvillingelie and vvittingelie to haue ſlaundered therwithall, theire moſte innocente maiſtreſſe and Souereigne, and haue moſte vvrongfullie and full iniuriouſelie caſt her in priſon, and ſpoiled her of all her princelie eſtate, beīge in a redines euerie howre to haue bereaued her of her life ād all: And as they haue of them ſelues reported, haue bene of nothinge more repentante and ſorie, then that they haue not fullie executed theire purpoſed miſcheif. We ſaye then no leſſe boldelie then trewlie. Firſt that the Quene for this facte ys farre from all faulte. We ſaye nexte, that ye Murraye and your companions are the verie diuiſers ād contriuers of the murther of this noble gētlemā, your ſelues. But to diſcloſe ād opē theis matters at the full, yt dothe require a verie large ſcope ād diſcourſe. Yet vvyll we as breefelie as the cauſe will ſuffer, ꝓſequute the ſame. For the firſt ꝑte that maye ſuffice, that We haue alredie declared, ſhall here after declare for her innocencie. Nowe before we ꝓcede to the ſecōde, for the, more euidente and open condemnation of theis men, Lett vs imagine that to be done, that neuer vvas thowght of her ꝑte, to be done.

Lett

Lett vs imagine ād ſuppoſe that the Quene Were therin gwiltie, as theis mē moſte faulſelie ād ſlaunderouſelie reporte. Yet are all theis theire procedings of no validitie or force, ād ſhe remainethe ſtill theire Quene, and in her full auctoritie, by good reaſon and lawe. The zeale to puniſhe greate crimes, ys commendable, ſo it be meaſured by order and lawe. For as Ariſtotle ſayethe, yt ys not inowghe to do καλὸν a good deade, vnleſſe yt be καλῶς Well done alſo. The one wherof reſpecterhe the facte, the other the forme, māner ād faſhion, the qualitie, mealnes, and order of the doinge therof. *Que forma dat eſſe rei.* This forme and faſhion of Well doinge, hathe not bene obſerued in your ꝓcedings. For yt cā not be well done, that ys vnlavvfullie, vnrightuouſlie, and diſorderlie done. Yf yt had bene, but a poore priuate mās cauſe, for the lacke of devve ād cōuenient forme in the treatinge ād handlinge therof, the Whole ꝓcedinge had bene of none effecte or purpoſe. The lavves of vvell ordered cōmon vvealthes, eſpeciallie the ciuill lavve, the principall ād maiſtris of all other ciuill pollices ād ordināces, do require in all iudgemēts to be geuen againſt the defendāte, three ſeuerall ād diſtincte p-

In caſe the Qu. vvere culpable, yet are her ennemyes procedings vnlavvfull.

Yt ys not inowgh to do a good thinge vnleſſe yt be well done.

The lavve geueth exceptions to the defen-

ſons:

dãt againſt the iudges the accuſers and witneſſes.

ſons: the iudges, the accuſer, ãd the vvitneſſes. The defendante hathe the benefitt of iuſte and lavvfull exceptiõs, as vvell againſt the iudge, as againſt the accuſers and vvitneſſes, Eache of vvhome maye be reiected for open enimitie tovvarde the defendant, and for diuers other cauſes. Accuſers maye be repulſed, ſome for that they haue receaued a ſinguler benefitte of the partie defendãte, as a bonde man manumitted ãd made free, In caſe he will accuſe his patrone and manumiſſor: or yf a man will accuſe his educatour and bringer vpp. Some for neareneſſe in bloudd, and conſanguinitie, as the brother. Some for nawghtie ãd infamouſe behauiour, ãd ſome for other reſpects. Shal theis vngratefull traytours then, that iuſtlie neither can be iudge nor accuſer, nor as muche as vvitnes againſt there ſouereigne, and to them a moſt gratiouſe Quene, by anye reaſon or lavve, playe them ſelues all the three parts ī the tragedie? For they haue in all theis theire vvorthipfull proceadings againſt her, made ſuche a hotche potche, ſuche a mingle mangle, ſuche a confuſe and diſordered chaos againſt iuſtice and nature, that they them ſelues vvere the accuſers, they them ſelues the vvitneſſe, they them ſelues

C. qui accuſat non poſſ. l. iniquum & l. fi. l. q accuſs. H. de accuſat.

ſelues the Iudges and examiners of her cauſe. Ys there anie honeſt meaninge and gentle natured harte, that can ons pacientlie abide and ſuffer to heare theys theire tauntinge and intollerable owteragiouſe inueings and accuſations, eſpeciallie of the Erles Murraye and Morton, the Capitaines, ringeleaders, and cheif practitioners therof, againſt her, to Whome they are moſt deapelie bownde, aſwel for highe prefermente vndeſerued, as for diuers pardons of deathe, by manifolde treaſõs worthelie deſerued? To whome the one of them ys by nature ãd bloude (albe yt baſe) as a brother entierlie comoined. And to Whome they both owght to be with the reſte, as to theire leage ladie, moſt loyallie ſubiected. Shall they nowe vvithe the lorde Lindzaye be admitted to ſtaine and defile her honour, to ſeake her harts bloude, Who longe ſithens had vvorthelie loſte theire ingrate chorliſhe, traiterouſe bloude, yf they had not bene preſerued by her ſinguller and incredible clemencie? Yet let vs conſider theire preciſe and moſt holie forme of iudgemente. The Quene vvas diſorderlie and rebelliouſelie apprehẽded, ſhe vvas caſte in priſõ, not ons hearde to anſwere for her ſelf moſt inſtãtlie ãd pittifullie crauĩge audiẽce.

She

She vvas forced and conſtrained by moſte vehemẽte and iuſte feare tó geave over her crovvne, and dimiſſe the regimente to the Erle Murraye. One greate arguméte of the ſaide conſtrainte and compulſion amonge other ys, that ſhe neuer reade ſuche vvritigs, as vvere offered to her, to be by her ſubſcribed, nor entred into anye covenante or talke for the mainteinance of her lyuinge or ſaufgarde of her lyfe, vvhiche thinge ſhe vvolde never by any indifferente mans iudgement haue done, yf ſhe had freelie and voluntarilie yelded vpp her regall dignitye. Neither can the pretenſed parliamente be preiudiciall to her, ſtádinge vpon no better or ſuer grovvnde, then vppon ſuche as vve haue rehearſed: And vpó ſuche vvorſhipfull lettres miſſive, as are by them, I can not tell more falſelie, or more fódelie, cóterfeited. Suerlie ſuche traitours, as durſte laye violente hands vppon theire Quene, and intrude thẽ ſelves into the regall gouernemente, vvill make but ſmall curteſie, in the fainige and forginge a lettre, therby to vvorke theire purpoſed miſcheif. I vvolde then farder demaunde of them, What authoritie they had to ſomon & aſsẽble a parliamẽte? And whether thys facte of hers, ſuppoſinge

A good arguméte that the Quene by copulſion dimiſſed the crovvne.

ſhe

ſhe were therein gvviltie, deſervethe in her beinge a Prince, & conſideringe hovve heinowſelie the lorde Darlie had offended her and the crovvne of Scotlande, ſuche extreame puniſhemente to be levied vpon her for one ſimple murther, eſpeciallie by them that comitted that ſhamefull murther vpon her ſecretorie, that hathe cõmitted ſo manie treaſons, and dailie do comitt ſo many horrible murthers, vpon the Quenes trewe lovinge ſubiects. Howe manie, and hovv crewell and terrible deathes, ſuche traitours deſerve? We haue moreover to demaunde of them, whereas they pretende a meruelouſe and a ſinguler zeale to religion and holie ſcripture, ād to meaſure all theire doings preciſelie by ſcripture and order therof, vvhat ſufficient vvarrante they haue therein, by theire private aucthoritie, to ſett violente hands vpon theire annointed Prince? I finde there that kinge Dauid vvas bothe an adoulterer, and alſo a murtherer, I finde that God vvas highelie diſpleaſed with hym therefore. Yet finde I not that he was therefore by his ſubiects depoſed. And here might I take occaſion owte of the ſacred ſcriptures to declayme and diſcourſe agaynſt your diſordered doings, but that yt

ys neadeleſſe, and our matters othervviſe grovve longe. But yet conſider ye vvithe your ſelues, you the Erles Morraye ād Morton vvithe your conſociates, that eauen adioyninge the Quene vvere culpable and in ſome fault, as ſhe ys not in this matter: Whether yt had not bene muche better and more auaileable to your comon vvelthe, ād to the ſtate therof, prudentlie to haue diſſembled the matter, (as your forefathers haue hertofore done in a greater cauſe then this, namelie in duke Roberte the gouernour, kinge Roberts Brother) then to haue permitted your comon vvelthe to haue comen in to ſo miſerable ād wretched a ſtate, at yt ys novve fallen in, and dailie ys likelie to be in vvorſe caſe and vvorſe. I ſuppoſe yt vvilbe fovvnde, that yt had bene a muche better pollicie to haue reſerued the puniſhemente therof to Gods ovvne rodd and iuſtice, in this or in any other vvorlde: then to haue taken from him, that he hathe reſerued to his ovvne onlie iudgemente, and to haue geauē to the ſubiects of other Princes ſuche a vvicked preſidente: that yf theis other ſubiects treade faſte vpō your ſteppes, there Will ſhortelie fewe kings and Princes in chriſtenedome, haue any ſure and faſte holde of theire ſcepter and royall dignirie.

The Duke Roberte of Scotlande.

We

We conclude then againſt you, ſpeake and do the vvorſte by *her* that ye can inuente, that your ꝓcedings be not agreable or correſpondēte to lavve, order and iuſtice. And therefore to be reuoked, repealed, and annulled. We ſaye, that the comon rule of the lawe ought heare to take place. *Spoliatus ante omnia reſtituendus eſt*, vnleſſe that where all lawes aſvvell Gods as mans lavve do fauour and preferre Princes cauſes, with ſinguler priuileges ād prerogatiues, ye haue novve eſpied ovvte a nevve lavve, Whereby princes ſhall haue and enioye leſſe benefitts and præminences in theire ovvne defence, then other priuate perſons. We ſaye that for theis and manye other good and neceſſarie conſiderations, all ys voide that ye haue buſied yout ſelues abovvte. We ſaye that all your doings ovvght to be remoued reuerſed and clearelie annulled, and the Quene wrōgfullie by you diſplaced, to be reſtored to her ſeate ād former dignitie ād honour. Then lett the whole matter be, yf there be iuſte cauſe before competente and mete iudges to ſitt vppō a Prince, iuſtelie and orderlie *hearde* and determined. For as for you, eſpeciallie the Erle Murraye and Morton, ye are to be charged and chalenged, be-

ſide all other iuſte exceptions, eauen as the principall inuẽtours maintenours and workers of this ſhamefull and cruell murther, for the vvhiche ye haue made all this hurlie burlie. And as I maye ſaye, ſtirred heauen and earthe againſte your ovvne verie naturall Prince. Neither maye the lorde Lindzaye be hearde or ſuffered to intermedle againſt her, yf lavve take place, for diuers his demerites: Amonge vvhiche he ſtandethe charged aſvvell for that he vvas one of the cheif inſtruments in the ſlavvghter of the Quenes Secretorie Dauid: As alſo in the apprehẽdinge and impriſoninge of her grace. But I muche muſe and meruaile hovve the Buſſhoppe of Orkney, for ſhame coulde ſo preſumptiouſlie and heinouſlie inueighe and declaime before the Quene of Englande and her cõmiſſioners, againſt his maiſtreſſe pretenſed mariage, vvithe the Erle Bothvvell, ſayenge that he him ſelf did celebrate the ſolemnitie therof. Who alſo vvas your onlie buſſhoppe, that vvas preſente at the coronatiõ of your nevve erected kynge. A man moſte apte and redye to ſerue all vvorlds and turnes. Againe you the Erle Morton, beſids the murther of the Quenes Secretorie and of

the

the lorde Darley her huſbande, there are manye iuſte exceptions and chalenges to be layed and taken aſvveell of other miſdoings, as of manifolde and apparente treaſons, vvhiche ye ſeame to haue ſucked vvithe your mothers milke, Ye haue bene a traytour ſo often times to your Prince and Souereigne. But the Erle Murraye yt ys, vvhome aboue all other, We haue to charge and burden. His baſe natiuitie, his baſer conditions, the notable ſayenge of the foreſayde *Caßius, cui bono?* The trade of allhis former lif, vvill muche ſtaine ād preſſe him, yf vve do vvell vveyghe and marke the vveyghtie preſumptions, that be euidente and plaine againſt him. I vvill make my begininge vvithe the greate and vnnaturall vnxindenes ād ingratitude, by him ſhewed to his deare ſiſter, and his louinge ād moſte bountefull maiſtreſſe and Souereigne. At what time ſhe mīded, after the deathe of her firſte huſbād the Frenche kinge to repaire into her owne realme of Scotlād, ſhe ſent forthwithe for him into France, ād vſed his aduiſe ād counſaile in all her affaires, eauen as ſhe did alſo after her retorne into Scotlande, So farre, that ſhe had, but as yt vvere the name and callinge, he bearinge the vevye

Exceptiōs moſt iuſt agaīſt the Quenes accuſers but eſpeciallye agaīſt the Erle Murraye.

The greate benefitts employed by the Quene vppon the ſayde Erle.

rye ſwaie of the regimente, by her intituled to, and honored and adorned vvith the erledome of Murraie, and at lengthe by one meanes or other furniſhed with ſo greate and ample poſſeſſions, that beſide other cõmodities and aduauntages, the yearelie rẽte therof paſſethe and ſurmonthe the ſome of tvvẽtie & ſixe thovvſande povvnds after the rate of theire monoye. Beholde novve the thanckfulnes of hys good and gratefull nature. He labored & endevored all that he poſſible coulde to vvith holde the Quenes minde, ãd ſtaie her from all manner of mariage, and to entaile the crovvne of the realme vnto him ſelf, thovvghe he were illegitimate ãd vncapable therof, ãd to the name and bloud of the Stevvards. But when he ſavve and throvvghlie perceaued, and vvell knevve, that the Quene vvas fullie minded and earneſtly bẽt, ãd had novve determined to ioine her ſelf in mariage vvithe the lorde Darley, he practiſed meanes, by his aſſiſtance and procurements, to haue ſlaine hym & his father, and to haue impriſoned her at lochleuen: And to haue vſurped the gouernemente hym ſelf, as he novve dothe. But novve when he ſawe this hys intente and purpoſe diſcloſed and prevented, and that

He vvent abovvte to entaile the crovvne of the realme to hym ſelf and the Stevvards.

the

the ſolẽnization of the mariage was alredie paſte, he ſhevved him ſelf with his adherents in open felde and in armes, againſt the Quene hys Maiſtreſſe. Where vpon he vvas driven to flie into Englãde. At whiche hys there abode, he inſtantlie ſolicited and beſowght the Quene of Englande, for aide againſt his Souereigne, Whiche ſhe worthelie denied hym. Then begane he to practiſe with the Erle Morton by hys lettres and meſſẽgers, abowte the deteſtable ſlavvghter of Dauid the Quenes Secretarie. Who by theire miſchevouſe ſleights and craftie perſwaſions, enduced the lorde Darley, promiſinge hym to remove the Quene from the medlinge vvith all politike affaires and actuallie to putt hym in poſſeſſion of the crowne, and of the rule and gouernemente of the Whole realme: to ioigne vvithe them in this traiterouſe conſpiracie, againſt the Quene, hys moſt deare and lovinge vvife, and moſt dreade Sovereigne. Wher vpon the murther was in moſt horrible & traiterouſe vviſe comitted in the Quenes ovvne chamber of preſence vpon hym, violentlie plucked from the Quene: ſhe alſo beinge cruellie minaced and ſore threatned havinge alſo a charged piſtilett ſett to her

His rebellio̅ againſt the Quen.

His cõſpiracie with them that ſlevve the Secretarie Dauid.

A charged piſtylett ſet to the Quẽs bellye.

bellye, ſhe beynge then greate whith chylde, and then removed from her pryvie châber in to an other, where ſhe was kepte as priſoner. The yonge vnexperte and raſhe L. Darley, wo beynge blynded whith outragyouſe ambition, coulde not forſee the deavelyſhe dryfte, of theys craftie marchaunts: begane novve, but almoſte to late to eſpie yt, and ſeynge hym ſelf as nyghe to danger, as was hys vvyfe the Quene, repayred to her, moſt humblie aſkinge her pardon of hys heinouſe attẽpte. And pytyfullie crienge ovvte to her, to provide and fynde owte ſome preſente waye to preſerve them ſelves bothe. Who by the Quenes polytike induſtrie, Was privelie whithe her ſelf conveyed avvaye ovvte of the rebells daunger. And by hym thys wycked dryft, and the drivers and contrivers therof vvere diſcovered to the Quene. But lo, the next daye after thys ſlavvghter, the Erle Murraye, entred in to Scotlande, and repaired to the Quene vvhith as faire a countenáce, as thovvghe he had bene cleare, aſvvell for that facte, as for all other treaſons. Wherof the gentle and mercyfull Quene pardoned hym, admyttynge hym againe in to her graces love and favour. Whereat the Lorde

The Quẽ. by her induſtrie cõveied her ſelf awaye vvith the lorde Darley.

Dar

Darley muche myſlykynge and vehementlye repynynge, feared leaſt that he wolde be, as he was in deade, when he ſavye hys tyme, revenged vpon hym, bycauſe he vvas of hym detected to the Quene, for beynge one and the cheif of the counſailours, ayders and aſſiſters, in the cõſpiracie, abovvte the murther of the Secretarie, novve cõmitted. Theys and the lyke imaginations ſo deapelie ſancke in to, and pearced the yonge mans harte, that finallie he reſolved whith hym ſelf, by one meanes or other, to rydd the Erle Murraye ovvte of the vvaye. Where abovvte he vvente ſo farre forthe, that he communicated hys purpoſe to the Quene who dyd moſt hyghelie myſlike, ther with, and moſte vehementlie deterred hym from the ſaide hys intente. Yet did he breake the matter farther, as to certaine other noble men, by vvhome at the laſt, Yt vvas reveled to the Erle Murraye. Wherefore the Erle dyd continuallie after, beare hym, a deadlie enimitie and hatred. Wher vpon at lengthe all other attempts fallinge him, this execrable murther vvas by hym the ſaide Erle Murraye, and by the Erle Morton fyrſt deviſed, and aftervvarde in ſuche ſtrange and heinouſe ſorte, as the vvorlde knowethe ãd dete

The cauſe vvhie the Erle Murraie heyted the lorde Darley.

deteſteth, moſte horriblie practiſed and putt in execution. What, paradventure ſome man wyll ſaye, of all the men in the worlde, the Erle Murraye ys fartheſte of, from all manner of ſpott and ſiniſter ſuſpition towchinge this matter: for he vvas not at the courte vvhen this murther vvas committed: And vvhen the Quenes grace vvas apprehended, he vvas ovvte of Scotlande. And vvho did driue ovvte of Scotlande the Erle Bothvvell, but the Erle Murraye? Who ys he that bathe taken ſo muche paines and trauaile to bovvlt and finde ovvte and execute ſuche as vvere culpable therein, but the Erle Murraye? In deade for his bodelie preſence, at the deade doinge, I vvill nothinge affirme, he muſte yelde the price therof to his haſtie companion the Erle Bothevvell. He muſte be contended for his ſhare, vvithe the preeminẽce and prerogatiue of his ſpeciall deadlie feade tovvarde the lorde Darley, ãd prepoſterouſe pregnãte pollice and vvitt, ſo cloſelie, ãd ſo ſmothelie to conueye and cõpaſſe yt: And beare owte vvithe ſo greate countenance ſo heinouſe a facte, ãd to revvarde him ſelf for his paines taken therein, vvith the extruſion of his maiſtreſſe and Quene, ãd intruſion of him

ſelf

ſelf, thoughe abſente, to the regimente and gouernemēt of the whole realme. This, this I ſaye maye ſufficientlie ſerue him, for the aduancement of his commendation and prayſe, and for the ſignification of his fine politike heade and inuention: I meane, for that before his departure owte of Scotlāde into France vvithe his machiuells practizes, he had ſo conningelie contriued the vvole matter vvithe his faction, that they ſhoulde procure not onlie the Erle Bothvvell to be acquited of the murther, but for his good ſeruice to be revvarded, with the Quenes eſpovvſalls, entendinge by this miſcheuouſe policie, the vtter vndoīge and ouerthrovve, aſvvell of him the Erle Bothvvell, as of the Quene her ſelf alſo. There neuer lacked good vvill in them, as yt vvell appearethe, by theire vngraciouſe doings, to haue longe before ouerthrovvne theire ſaide maiſtreſſe, but there euer lacked apparente matter, to blinde mens eyes vvithall, and to make her odiouſe vvith the people. Novve theis vvilie men vvel knevve, that yf they might ones compaſſe and bringe this mariage thus to paſſe vvithe the Earle, Whom they intended, then as faſte to

blaſe

blaſe abrode for the murther by thē comitted, as they did ſuppreſſe the ſame before, from theire good ladie and Quene: vntill they had brovvght her to the baite, yt vvolde ſeame verie probable, not onlie in the eies and iudgement of the rude and comon people, but alſo of manie ſage, graue, vviſe and learned men that ſhe vvas priuie of her huſbands deathe. Wherby they might prętende one execrable acte againſte her that all men wolde deteſte and abhorre, to colour & cloke theire rebelliouſe trecheries. Lucifer him ſelf coulde not haue fetched a finer, and a more miſchevouſe and deaveliſhe fetche, then herein theis mē haue done. As for the Erle Murraie his abſence, yt dothe nothinge releaue or excuſe him, Yea yt ys ſingulerlie to be noted and marked, that his verie iourneies, lacke not theire fine fetches to ſerue his turne. Throwghe his firſt iorneie into France he wāne and purchaſed the highe loue and fauour of his benigne Maiſtreſſe. He retornethe ovvte of Englande at the verie pointe ſeruinge tvvo turnes at ons, by the one therof to circumuent his good innocence ladie, thinckinge to make her beleaue, by reaſon of his abſence, that he vvas farre from the ſocietie of

The cauſe vvhy the enemies did impute the ſlavvghter to the Quene.

The vvorkinges of the Erle Murraie ī the time of his abſēce.

of that conſpiracie: by thother to aſſiſte the better vvith his præſence the confederates, and ſodenlie to ioyne vvith them as he did. I graunte that he vvas abſente bodelie, at the facte doinge, but yet nothinge vvas done, the vvhiche vvas not by his counſaile or agrement concluded. The vvhiche his deuile vvas ſo horrible, that yt cauſed the murther of his Souereignes Secretorie, her impriſonmente by her owne huſbãde, that the Quene beinge greate with the childe, was put in ſuche a feare, as might haue tended to the preſent daunger of her lief, and of her childe. Yea the vere ſcope of this deaueliſhe drifte was, eauen to haue ouerthrowne him alſo vvhome they made theire vnhappie and vnluckie inſtrumente to ouerthrovve and depoſe his ovvne louinge vvife, and moſte dreade Souereigne. Theis miſteres full ſtuffed vvith ſuche miſcheuouſe purpoſes, lo, vvrought this Erle, in the time of his abſence. Novve yt ys to be conſidered, that abovvte ſixtene howres before the lorde Darley vvas ſlaine, the better to coulour the matter, he departed from the courte. Abovvte two monethes after he toke his iorneye into France, leauinge the Erle Bothevvell, as his moſte entire

tire and truſtie frende, recommendinge all his cauſes and affaires to hym before all other. At hys ſeconde retorne from Fráce, he intrudethe hym ſelf into the Scepter royall vnder the name and ſhadowe of the yonge Prince. The whiche thinge vvas ſo imagened, invented, and deuiſed lõge ere that he departed, and in hys abſence, by hys truſtye frends remaininge in Scotlãde, accordinglie accompliſhed and executed. The Quene vvas afterwarde apprehẽded and caſte into priſon at Lochleven. Where hys mother & brother dvvellethe. Vnto the vvhiche Fortreſſe ſhe ſhoulde haue bene ſente, as we haue ſaide, at the firſt cõſpiracie of the ſaide Erle Murraye, yf theire maliciouſe minde and intente, had not bene diſapointed by the prouidence of god. Novve what ſerche, when and after vvhat ſorte yt vvas made for the ſaide Erle Bothvvell, vve haue alredie declared. Yf ye alleage farther and ſaye, that no man can denie, but that the ſaide Erle murraie made alſo lõge, diligẽte, & narrowe ſearche for the murtherers, and did ſeverelie puniſhe them. To this vve replie ãd ſaie, that he neaded not to travaile muche or farre for the findĩge oute of this matter. For he mowght at all times have fovvnde the heades of the conſpiratours vpon the

Erle

Erle Mortõs & his ovvne ſhulders, vve ſaie farther, that as yt ys a ſtrãge, ãd a newe kĩde of deuotiõ in the Erle Murraye ſo to quarrell for lacke of ſolẽnitie, at the buryall of him, for whoſe ſaide buriall, he longed and loked for ſo lõge: So we ſaie likewiſe, that yt ſeamethe Wonderfull to love him ſo tẽderlie beinge deceaſed and deade, Whõ he ſo deaplie hated livinge. And to ſeake ſo ſeriouſlie and ſeverelie to puniſhe the murtherers of hym, whõ he wolde ſo ofte haue murthered hym ſelf. This geare ſeamethe to vs poore ſimple and ſlender witted men vnlikelie, incredible, and half repugnãte to nature: And what ſoever the cauſe be, we be of that minde, that yt ys not like, to ꝓcede of anye feruente zeale or greate affectiõ he bearethe to the partie, or to the executiõ of Iuſtice. Ye are, good Reader, deſierouſe paraduẽture to learne, what other cauſe there might be, of ſo ſtrãge dealinge? Well as ſtrãge as yt ys, we lacke not examples of the like craftie and ſubtile policie, aſwell in holie ſcripture, & in the monumẽts of antiquitie of other cõtrees, as of Englãde, & eſpecialie Scotlãde yt ſelfe, We finde then in holie ſcripture, that there was one Onias at Hieruſalem the high prieſt, a man of ſingulier vertue and perfection, and one that

Th'Erles Murraie & mortõ the heads of the conſpiracie againſt the lorde Darley.

mar-

maruelouſely tendred God his honour and the honour ād welth of his countrie, There vvas alſo at the ſame time one Simō a verie eauell diſpoſed ād vvicked creature, which went abowt certaine naughtie and wicked deuiſes. But ſeinge that he cold not achiue his miſcheuous purpoſe, by reaſō this bleſſed man Onias ſtayed, ſtopped ād p̄uented him, he practiſeth this vvicked deuiſe, he cauſeth kinge Seleucus to be informed of the greate and ineſtimable treaſure remaninge and repoſed in the temple at Hieruſalem, vvhere vppon the kinge ſent Heliodorus to fetch awaye by force the ſaid treaſure. But aftervvarde vvhen this purpoſe chaunced to be fruſtrated ād voide, by reaſon that this Heliodorus beinge vvonderfullie plaged of God vvas cōſtrained to forbeare and relinquiſh this entrepriſe, and the people beinge vvonderfullie offended, and in a greate rage, to ſee ſuch a hainous ſacrilege attempted, What doth nowe thinke ye this good and honeſt man Simon? Surelie he playeth the ſame part that th'erle Murrie hath plaied vvith his moſte gratious Quene, openlie charginge the good innocēt Onias vvith his ovvne ſhamefull acte, and ſayinge that he ſolicited, ād incenſed the kinge

Lib. 2 Machab. ca. 3. & 4.

to robbe and ſpoile the Temple. We finde in the cronicles of our realme, that albeit Vortiger aſpiringe to the crowne of the realme, actuallie and reallie obtained the ſame, by the murtheringe of kinge Cõſtance, which was not done without hys craftie incenſinge and previe conſent, yet he preteded outwardlie greate ſourowe, weapīge and lamentinge the murther of him, the vvhiche he neuer theles locked for, And vvas the occaſion of the ſame. As for Scotlande I reporte me to the tragicall hyſtorie of kinge Duffus ſlaine by a noble man named Dunvvaldus, vvho was in greate eſtimatiõ and auctoritie wth the ſaide kinge, vvhen the kinge vvas a bedd, in the Caſole, wherof this Dunvvaldus had the keapinge he banketed hyschamberlaines, and ſo ſore oppreſſed thẽ, vvith immoderate ſurfetinge and drinckinge, that vvhen they vvere ons gottẽ abovvte hyghe midnight to ſleape in theire bedds, ye might haue ronge a greate bell over theire heades, lõge ere they wolde wake. Who beīge in theire deade ãd deape ſleape, the kinge vvas murthered & ſlaine, by ſuche as this noble man had ſuborned. His deade bodie vvas caried avvaie & buried in a Riuer. The laborers that buried

Polycronicõ. Fabiã. The cronicles in Engliſh. prẽted anno 1498.

Hector. Boet. l. 11.

The Erle of Murra aſſẽbled to Dũvvaldus that pcured the ſlawghter of kinge Duffus in Scotlande.

him were alſo ſlaine, that they might tell no tales. In the morninge the kinge vvas miſſinge, his bed vvas fownde Imbrevved with bloud, his drovvſie drunken chamberlaines that leaſte knevve of the matter, vvere had in greateſte ſuſpition, ād With ovvte farther delaye by the ſayde Dunvvaldus like a man zealouſe to puniſhe malefactrs, vvere ſlaine and put to deathe. No man beinge farther a greate vvhile from ſuſpition then he: vntill firſte his ovvne ouer buſie ſearchīge for the murtherers, ād afterwarde other thīges breade vppon him ſuche ſuſpirion, that he vvas thervpon apprehended, and beinge fownde gwiltie worthelie executed. The like prāke played Duke Robert, brother to the kinge of Scotlāde, ād gouernour of the realme, of vvhome vve ſpake before. He procured the Prince his nephevve to be made avvaye ād murthered: And yet pretendinge him ſelf, as holie as the E. Murraye dothe, to be zealouſe in the puniſhinge of ſuch an heinouſe facte, cauſed certaine innocente pſons to be executed therefore. We ſaye then, that the Erle Murrayes doinges, pcede not from anie greate care he hathe to the maintenāce of lawe and iuſtice, vvho ys moſt culpable him ſelf: But onlie colorablie to cloke and hide his

Idem lib. 16.

The like pte played by Duke Robert in Scotlande.

ovvne

ovvne miſcheuouſe trecheries, and to turne the blame of the fault from him ſelf vpon his good ladie and Quene, from whoſe perſon yt ys farthieſt. Wherof they them ſelues gaue in manner plaine teſtimonie and vvitnes. For thowghe they had openlie in theire pretenſed and diſordered parliamente detected her therof, yet before the Quene of Englands comiſſioners, they alleaged other matters, as her voluntarie reſignation of her crovvne. &c. The vvhich allegations, when they vvell ſavve, vvolde not ſerue theire turne, and that men did vnderſtande, hovve ād after vvhat ſorte they had ꝓceaded againſt her in Scotlād, they vvere, as yt vvere driuē and forced, beinge excluded from all other apparēte ſhifts, after ſeauen or eighe vvekes aduiſemēt, after theire firſt inuectiue, to obiecte the laide facte. Wherof the good innocent Quene hearinge, and aſtonied at theire ſtrange and contumelioufe canuaſings, and impudēcie in theire doinges, ād beinge ſithe her apprehenſion crediblie enformed ād by apparēcie of matter ād prouf therof, lead ād induced to beleaue ād geue creditt, that this vviked entrepriſe vvas chefelie inuented ād cōpaſſed by the Er. Murraye ād morrō, made earneſt ſuite by her cōmiſſioners to her God

The Erle Murraye ād hus felher lovves beand ynge driuē from all ſhiftes at lēgth layd to theyre Quene the deathe of the lor. Darley beinduced to beleaue ād geue credit fore the Quene ād conſaile of Englād.

ſiſter, our noble Quene to arreſt them, that they ſhoulde not ſhrincke awaye ād departe vntill they had anſvvered that matter for them ſelues, which ſhe fullie intēded moſte effectuallie to proſequute againſt them and others. And ſo did accuſe them in deede by her comiſſioners. And deſidered farther, that ſhe might come in her ovvne perſon before her, and her nobilitie, and the ambaſſadours of other contreis there reſidēte, and goe forevvarde vvith, and proſequute her ſaide accuſation againſte them. Wherof they hearīge, they fretted, they fumed, they ſtamped, they ſtared, and for a ſmayl while made muche hott ſturre. But vvhē that they had vvell conſidered and digeſted the matter, loxinge in theire ovvne breſts, they became vpon the ſodaine ſo coulde, that they thovvght euerie daye an hūdred, vntill they vvere packinge home, and neauer ceaſed, alleaginge manye vayne and friuolouſe excuſes to vrge theire dimiſſion moſte importunatelie, vntill they had at the laſte obteined theire ſuite. O that *Caſſius*, Were novve huinge, that he might laye to the Erle Murraye his charge, his accuſtomed worthie ſayenge *Cui bono*? He vvolde tell him that as the Quene by this facte, had no manner of

hoped

hoped cõmoditie, and ys of ouer good and vertuouſe a diſpoſition and nature, in anye reſpecte of vvorldelie cõmoditie, ſo to diſhonour her ſelf and ſtate: And eauen as the Erle of Murraye, his birthe and naturall inclination vvere moſte apte and mete to woorke ſuche naughetie practiſes: So were there manye occaſions alſo for his parte, ſuche as he had beſte likinge and contentatiõ of, to the puttinge the ſame in practiſe. Amonge other things yt pinchethe him ād all his faction, and greauethe them to the verie harte, to remember the reuocation the Quene had made the Aprill before, of all ſuche thinges, as do apperteine to the crowne, that had by her ſelf or others in her minoritie, bene alienated: Whiche ſaide reuocatiõ by an olde lawe and order in Scotlande, the Princes there maye make before th'accompliſhemẽt of twentie and fiue yeares of age. Novve had the Erle Murraye ād his faction, by one meanes or other gotten in to theire hãds ād poſſeſſiõ, two partes of the yearlie reueneues of the whole crowne. See, ſe, I praye the good reader, yf this were not the verye vndowbted cauſe that made him and them ſo pittifull, ād ſo tender harted tovvarde the lor. Darley beynge deade,

The cauſes vvhie the Erle Murraye wẽte abowte, as vvell to make avvaye the l. Darley, as to depoſe the Quene.

Whoſe deathe they had ſo lõge thriſted for and whoſe life they had by ſo manie ſnares ād miſcheuouſe vvayes aſſaulted, and layed vvaite for. Yea there vvas a farther *Cui bono*? then this, they thowght to driue by theire iolye politike practiſes, all the diſpleaſure and *h*atred of the facte vppon the Quene: And ſo for this pretenſed miſcheuouſe facte to driue her from *the* poſſeſſion of her crovvne, ād to intrude them ſelues, by ſome pretie colorable conueyances, into the ſole intermedlinge of all the publike affaires, and to the gouernement of the realme vnder *the* title of the good infante the Quenes ſonne, and to aſſure theïre poſſeſſions to them ſelues, at leaſt the ſpace of tvventie and fiue yeares more. But I praye God there be not a farder and a vvorſe fetche, then all this comethe to. Well then all theis theire foretolde purpoſes, *h*athe the deuell brovvght to paſſe for them eauen accordinge to theire hartes deſire. Sauinge that he oweth them a ſhame, and vvill paye yt them vvhen they counte *them* ſelues moſt cocke ſure. And beginnethe (as yt ſeameth alredy full properlie to paye them home everye one daye more *then* other. For as cloſe, and as ſecrete, as *they* hidd and kepte theire doings

ings from the vvorlde, eſpeciallie from theire good Quene, vntill they had quitted the Erle Bothvvell, and coupled him moſt diſhonorablie vvith that vpright and vvell meaninge ladie in pretenſed mariage, they coulde neuer brīge theire matters to paſſe: And for all theire vaine bragginge ād ovvtfacinge (as yt were) theire innocent Souereigne: theire vvhole vvicked drifte ys detected, burſte owte, ād come to the certaine knovvledge of noo ſmall nomber of men. Ys yt vnknovven thincke ye the Erle Murraye, vvhat the lorde Herris ſaide to your face opēlie, eauē at your ovvne table a fevve dayes after the murther vvas cōmitted? Did he not charge you vvith the foreknovvledge of the ſame matter? Did not he *Nulla circuitione vſus* flatlie and plainelie burden you, that ye ridinge in fiffe and cominge vvith one of your moſte aſſuerid truſtie ſeruants the ſaide daye vvherein you departed from Edenborrowghe, ſaide to him amōge orher talke, this night ere morninge the lorde Darley ſhall loſe his life? Ys yt not full vvell knovven thincke ye, that ye and the Erles Bothvvell, morton, and others aſſembled at the caſtle of Cragmillar and at other places at diuers times, to conſult and deuiſe

The Erle Murraye declared the dayebefore, that the l. Darley ſhulde be ſlaine.

Diuers aſſembles of the Erle Murraie & his adherents to cõſult vpõ the ſlaughter of the l. Darley.

deuiſe vpon thys miſcheif? Yf neade vvere vve coulde rehearſe and recompte to you the vvhole ſome and trewe effecte of the oration made by the moſt eloquẽte amõge you, to ſtirre vpp exhorte and enflame your faction then preſente, to determine and reſolue them ſelves, to diſpatche and make a bãde vvith the lorde Darley. We cã tell you, that there vvere interchãgeable Indentures made and ſubſcribed by you, that he vvhich had the firſte oportunitie offered to make hym avvaye, ſhoulde furthvvithe take yt in hande and diſpatche hym. We can tell you, and ſo can five thovvſande & moo of theire owne hearĩge, that Iohñ Hepborne the Erle Bothwel his ſervaunte, beinge executed for hys and your traiterouſe facte, did openlie ſaie and teſtifie as he ſholde anſvvere to the contrarie before God, that you vvere principall authours, counſailours and aſſiſters, vvith hys maiſter of this execrable murther, and that hys Maiſtre ſo tolde him: And furthermore that he him ſelf had ſene the Indentures vve ſpake of. We can tell you, that Iohñ Haie of Galavvaye, that Povvrie, that dovvgliſhe, and laſte of all that Paris all beinge put to deathe for thys crime, toke God to recorde at the time of theyre deathe

Indẽtures made & ſubſcribed for the execution of the ſaide purpoſe.

Diuers executed in Scotlãd for the ſaide murther wherof none could charge the Queene.

deathe, that this murther vvas by your counſaile, inuention, and drifte comitted. Who alſo declared, that they never knevve the Quene to be participante, or avvare therof. Well, vve can farther tell you of the greate goodnes of God, and of the mightie force of the trevvthe. Whereby thovvghe ye haue vvonderfullie turmoyled and toſſed, thovvghe ye haue racked and put to deathe as vvell innocents as gvviltie, ād your owne confederates offered manie of them theire pardons, ſo they vvolde depoſe any thinge againſt the Quene: God hathe ſo vvrovvght, that as for no torments nor faire promiſes they coulde be brovvght, falſelie to diffame their maiſtriſſe: So vvithoute any torments at all they haue voluntarilie purged her, and ſo laied the burden vpon your necks and ſhoulders, that ye ſhall never be able to shake yt of. We cā tell you, that her deare Siſter, & our gratiouſe Quene, and the worthie nobilitie of Englande, do Well knovve theis your dereſtable practizes, neyther vvill ſuffer them ſelves to be ſpotted with the favoringe and aſſiſtinge of your abominable doinges. We can tell you that this good ladie ys vniuſtlie accuſed, ād wrongfullie oppreſſed, as good Suſanna

was.

was. We can tell you, that ye altogether reſemble the tvvo olde vvicked gouernours that vvrõgfullye accuſed her, as an advowtreſſe beinge the advoutereres them ſelves, and brovvght her into daunger of preſent deathe by theire falſe teſtimonie (as ye haue done withe your vvell intendinge Quene) for that ſhe vvolde not conſente and yelde to the olde luſtie lecherouſe Rebelles. We can tell you, that yf you do not the ſoner repẽte, ye ſee by example of them, What your revvarde ſhalbe; And that in the meane while God hathe as wonderfullie delivered owte of your handes this our innocẽte Suſanna, as ever he did the other from them. For thovvghe ſhe vvere kept ſtraight, in a ſtrõge fortreſſe and caſtle vvith vvatche ãd vvarde in ſuche ſorte, that none of her vvell willers and Frendes, no not ſo muche as the Frenche kinges or our maiſtreſſe her moſte deare ſiſters ambaſſadours, might be ſuffred to come at, or to ſpeake with her. Thovvgh ſhe vvere daile gvvarded withe greate nomber, thovvghe the gates vvere euery eaveninge ſuerlie and cuſtomablie locked, and the keies therof vvere continuallie night by night delivered to the lorde of the ſaide caſtle. Thowghe the botes were continuallie faſtened ãd locked vppe. Yet god ſo

The Quene in a manner miraculouſlie delivẽred out of lochleven vriſon.

wro-

vvrowght, that the keies of the ſaide caſtle were in the ſaide lords verie preſence takē avvaye, by a poore orphan ſimple boye, beinge not yet eightene yeares olde, bredd alwayes & browght vppe ī the ſame howſe. Whiche feate by hym Wrovvght, ād a tokē or ſignificatiō geaven therof to the Quene, ſhe departed ovvte of her priſō hovvſe, into the courte therof at ſeaven of the clocke at night, vppon the ſeconde daye of Maye: And ſo paſſinge, vvente to the ſaide gates, vnlocked and opened by the ſaide orphan boye, Who takinge bote alſo rowed her, & her waitinge maide vvith all, vvith muche a doo over the vvater, vvho havinge nowe paſſed the vvater vvas on the other ſide receaued by certaine gentlemen, ād by them cōveied & cōducted to Hamiltō: where ſhe before her nobilitie revoked, annichilated & made voide all that ſhe did ī priſō before, with ſolemne ꝓteſtation vpō her othe, that ſhe vvas violentlie forced therto, ād putt in iuſte feare of the loſſe of her life. After this yt pleaſed god to putt her in mīde, to tacke her iourney into Englande, aſwell for the ſpeciall and ſinguler truſte ſhe hathe in her deare Siſter, & her cōfortable ꝓmiſes to her before her cominge by meſſēgers, letres &

to

tokens, ſente from her, bothe confortinge and promiſinge her (oportunitie ſeruinge) all conuenjente ſuccour and helpe, as that we Engliſhemen (whiche muſte neades honour and reuerēce her, Who ys of the nexte Royall bloudd and trevve heire apparente of the crovvne of this realme of Englande) ſhoulde throvvghelie knowe, and fullie vnderſtande, to our greate comforte, her purenes, integritie, and innocēcie in the matter, vnder pretence vvherof, her traitours and rebelliouſe ſubiects, thereby to accompliſhe theire ſeditiouſe ād ambitiouſe minds and purpoſes, haue moleſted, vexed and diſquieted her in māner a foreſaide. And nowe at the laſte kepethe her, not onlie from her crovvne ād realme, but from all vvhatſoeuer either her priuate or other goods, as vnwillinge that ſhe ſhoulde either kepe the ſtate ād porte of a Prince, or any other meaner eſtate vvhatſoeuer. Neither hathe it altogether fallen ovvte cōtrarie to her expectatiō and deſire. For the nobles of Englande, that vvere appointed by the Quene to heare ād examine all ſuche matters, as the rebelles ſhoulde laye againſte the Quene, haue not onelie fownde the ſaide Quene innocente, ād gvviltleſſe of the deathe of her huſbāde,

but

but do vvithall fullie vnderſtande, that her accuſers, Were the verie cõtriuers, deuiſers, practitioners ãd vvorkers of the ſaide murther: ãd haue farther alſo ſo muche encreaſed, ãd in ſuche Wiſe renued the good eſtimation, and greate hope they alvvayes had of her, novve pfectlie knowinge her innocencie, and therto moued throvvghe other princelie qualities reſplendente in her, with many Wherof ſhe ys muche adorned, ãd ſingulerlie endevved, that they haue in moſte earneſt vviſe ſolicited ãd ẽtreated the Quene of Englãd, to geue her aide ãd ſtrengthe, vvhereby ſhe maye be reſtored againe to her honour ãd crovvne. They haue moued the ſaide Quene of Scotlande alſo, that yt maye pleaſe her to accepte and like of the moſt nobleſt man of all Englãde, betvvene vvhom ãd her there might be a mariage cõcluded, to the quietinge and comforte of bothe the realmes of Englande and Scotlãde. Finallie the noble men of this our realme, acknovvledge ãd accepte her, for the verye true and rigthe heire apparẽte of this realme of Englande, beinge fullie minded ãd alvvayes readie, if God call to his mercie the Quene that novve ys, then to receaue and ſerue her as theire vndovvbted Quene, Maiſtreſſe ãd Souereigne, Wherby yt maye

The commiſsioners appointed in Englãd to hear the Quene of Scotts matters, vvell liked of her ſaide innocẽcie, and of her title to the ſucceſsiõ of the crovvne.

caſelie

eaſelie appeare, hovve Well they like of her cauſe, that had the hearinge and triall of the ſame, allthovvghe ſhe never as yet came in theire preſence. Theis thinges novve and manie other whiche for the eſchewinge of prolixitie, we forebeare to enlarge our treatiſe vith, maie be alleaged for the defēce of the Quenes integritie, and for the vprightnes of her cauſe, the vvhiche I vvolde vviſhe you the Erles Murraye and Morton, vvithe your allied confederates, before all other moſt deapelie and bytimes to vveighe and conſider accordingelie, as the vveight and greatnes of the cauſe, as your owne ſauftie, vvith the wealthe & honour of your natiue cōtrey do require. I am not ignorante, that the matter ys gone verie farre vvith you, & that many impedimēts do concurre, to with dravve you, to ſeake that remedie for the reformation of things paſte, vvhiche ys the beſte and th'onelie remedie: But ſuerlie vvhen ye have fullie vveied all things on everie ſide accordingelie, ye ſhall finde no ſure and ſovvnde remedie, but in makinge a true, a ſincere and an vnfained humble ſubmiſſion to your, gratiouſe Quene, vvhō ye haue ſo greavouſelie offended and moleſted. Let not the greatnes or nomber of your

An exhortatiō of the Erles Murrayē & mortō & others to reconſile thē ſelves to the Quene.

your treaſons wrovvght againſt bothe your Quene and cuntrey : Let not any vaine falſe imagined opinió either of the worlde, or of your vtter ouerthrovve, by reaſon of anie ſuche fonde preſumption of your preſente highe eſtate, of your greate povver force and ſtrengthe, Let no vaine expectatió of externall ſuccours ſtaie or ſtoppe you from ſo neceſſarie a devvtie, and ſo comendable before God and the worlde. Ye beſt knovve that amonge all the princelie ornamétes and vertues in your Quene, her mercie and clemencie are ſinguler and peereleſſe. She ſeamethe vvell to haue learned that leſſon of the ghoſpell. Yf thy brother do offende the forgeve him not onelie, ſeaven times, but ſeventie times ſeaven times. She vvill not onelie forgeve, but forgett alſo. She neither ys ignorante in vvhat ſtate her realme ſtandethe in, nor that extreame ſeveritie, from the whiche ſhe naturallie abhorrethe, ys not of all other times nowe againſt ſuche, as vvill imbrace mercie offered them to be ſhevved and practiſed. She vvill rather like the lawe of ἀμνηστία oblivió ád forgerfulnes, ſo muche of the olde Writers comended. The greate benefitt wherof ye haue ſo often, ád ſo abõdantlie receaved

The Quene of Scotts full of mercie.

at

at her hands. And therefore ye neade the leſſe to feare the diſcontinuance of your highe and honorable eſtate and condition. As for shame yt ſtãdeth in the euill doinge yt ſelf, and not in the amendinge and reforminge of yll deeds, vvhiche amendemente and reformation, yf ye erneſtlie and trevvlie minde, yt vvilbe to the greate contentation of your moſt gratiouſe Quene, and of all her louinge ſubiects. And in ſo doinge you shall bothe highelie auance your honorable eſtate and eſtimation, ãd make her a good amends for that, vvhich ys paſte, ãd can not be reuoked. But on the other ſide, yf ye geue ouer and refuſe this occaſion novve preſente, and goo forevvarde vvith your rebelliouſe entrepriſes and attemptes, mindinge to abidẽ and trie the vttermoſte, ye moſte vvilfullie cut avvaye and exclude from your ſelf all good hope of mercie and pardon, and take a vvronge vvaye for your ovvne ſauftie and preſeruation. For your cauſe ys navvght, and ſo ye vvell knovve yt to be. And therefore can ye not loke to haue and obtaine a good proſperouſe ſucceſſe and ende therof. Well ye maye, as hitherto ye haue done, toſſe, turmoile ãd tumble all things vpſide dovvnevvards for a

while

vvhile: But be ye aſſured that gods hande will fall ād light the heuier, ād With a greater paiſe vpō you at the lengthe therefore. Yt ys eaſie to be ſeen by the courſe of all times, as vvell by your ovvne verye hiſtories at *h*ome, as by *th*e cronicles of all other nations abrode, to vvhat ende commonlie ſuche ſeditiouſe conſpiracies and treaſons do come to: that ys to the vtter ouerthrowe and confuſion for euer of theis pſons that vvorke, attempt, practiſe, or mainteine the ſame. They ſeame for a vvhile to beare greate ſvvaye, and all the vvorlde for a vvhile to rūne vvith them. But in the ende they fayle and are cleane geauē ouer. What meruaile were yt yf a *h*ovvſe ſhoulde not longe continevve, that ys builded but vpon a yeldinde ſandie grovvnde? Ye *h*aue builded ād fovvnded all your doinges vpō vntrue and lienge ſlaunders and treacherouſe treaſons, againſt your dreade Souereigne. The ſincere veritie vverof vve haue herein trevvlie doclared. The vvhiche beinge ons throvvghlie detected, ād euidētly knovven to ſuche, as ye haue in Scotlande craftelie abuſed ād ſhamefullie circumuēted (as ſuerlie yt dailie burſtethe ovvte more and more) ye ſhall ſe your ſelf ſodenlie lefte naked, ād quite for-

The ende of rebelles euer vnhappie.

ſaken, eauen of thoſe, vvho haue bene your greatteſt aſſiſters, aiders, and furtherers. For as the olde prouerbe ys, truthe ys the Dauvghter of time. And as ye ſhalbe lefte alone at home, ſo can ye not loke ſo maintenance and vpbearinge of foraine Princes. They vvill not defyle them ſelues, and theire honorable vocation, vvithe helpinge ſo fovvle a cauſe, and ſo daungerouſe and perillouſe a matter, that maye tende to the moleſtation and hurte, not onlie of theire ovvne ſtate, but of the ſtates of all kinges chriſtened. Naye ye muſte rather thincke, that other Princes vvill iudge and take yt to tovvche them to nighe, to ſuffer ſuche a villainie to paſſe and eſcape vnreuenged, and ſo good a ladye to be lefte deſtitute and deſolate. The emperour vvill not beare yt: France vvill not beare yt, Spaine vvill not beare yt: And eſpeciallie our noble Quene of Englande vvith her vvorthie nobilitie vvill uot beare or ſuffer ſuche outragiouſe dealinges, againſt her next louinge neighbour, and deare ſiſter, yea againſte the heire apparente of this moſt noble realme. Albe yt that ye vvithe your

Other Prĩces vvill not ſuffer the Quene of Scottes to be iniuried byher ſubiectes.

your ſurmiſed lies, the better to mainteine your vſurped and nevve erected kingedome, make her to be in feare of her ovvne ſtate in caſe ſhe ſhoulde reſtore the ſaide innocente Quene to her crowne agayne.

* * *

The ende of the firſte booke.

THE SECONDE BOOKE TOWCHINGE the right title and intereſt of the foreſaide Ladie Marie Quene of Scotlande, to the Succeſſion of the crowne of Englande.

THE greate providence (good Reader) of the eternall God, who of nothinge created al thinges, did not onlie create the ſame by his ineffable povver, but by the ſame power gaue a ſpeciall gifte and grace alſo to euerie livinge thinge, to cõtinevve, to renevve, and to preſerue eche hys ovvne kinde: But in this conſideration the condition of man amõge and aboue all earthlie thinges hathe his peerleſſe prerogatiue of vvitt and reaſon, vvhere vvithe he onlie ys of God gratiouſlye endewed and adorned: By the which he dothe ꝓvide not onlie for hys prẽſente neceſſitie and ſavegarde (as do alſo naturalie after theire ſorte all beaſtes & all other lyuĩge thynges voide of reaſon) but alſo by pregnancie of wytt,

Man only hath the ꝓrogatiue of witt & reaſõ amõge all earthely creatures.

and

and reaſonable diſcourſe, doth longe afore foreſee the dangerouſe perilles that manie yeares after maye happē, either to him ſelf, or to hys contrey: And then by diligence and carefull proviſion dothe inuente apte and mete remedies, for the eſchevvinge of ſuche miſcheives, as might ovvtragiouſly aftervvarde occurre. And thē greater the feare ys of greater miſcheif, the greater, the deaper and the ſpedier care ys vvonte to be taken, to prēvente and cutt of the ſame. Yt ys alſo moſte certaine by the confeſſion of all the vvorlde, that this care ys principallie devve, by eche man that hathe oportunitie to do good therein to hys Prince, hys cōtry and to the comon vveale and good quiet of the cuntrey, for the continuance and happie prēſeruation of the ſame. To the prēſeruation vvherof, as there are manie partes and branches belonginge, ſo one principall parte ys for ſubiectes lovinglie ād reverētlie, to honour, dreade, and obedientlie to ſerue theire Sovereigne, that chauncethe prēſentlie to rule and governe. The next to foreknovve, to vvhom they ſhoulde beare theire alleageāce, after the deceſſe of theire fore ſaide Prince and gouernour. Whiche beinge ons certaine and aſſuredly knowen,

Men are moſte boūde to the p̄ſeruation of theire contrey.

A greate cōmoditye to the cō mō vveale the to knovve the heire apparente.

as yt procureth vvhen the time requirethe readie and seruiceable obediēce, vvithe the greate comforte and vniuersall reste and quietnes of the subiects: So vvhere, for the saide succeſſour there ys amonge them discorde and diuersity of iudgemētes: the matter grovvethe to faction, and from faction to plaine hostilitie, and from hostilitie to the danger of many mens liues: And many times to the vtter euersion of the vvhole stare. For the better auoidinge of suche and the like inconueniances (albe it at the beginninge princes reigned not by discente of bloude and succeſſion, but by choice and election of the worthieſte) the vvorlde was for the moſt parte cōstrained to repudiate election, and so often times for the better and the vvorthier to take a certaine issewe and offspringe of some one onlie person thowghe otherwise pchaunce not so mete. Whiche defecte ys so supplied partelie by the greate benefitte of the vniuersall rest ād quietnes that the people enioye therby, and partelie by the graue and sage counsailours assistinge to princes: that the whole worlde in a manner theis manie thowsande yeares hathe embraced succeſſion by bloudd, rather then election. And politike

vvhy all the world almoſt embrace ſucceßion of Prīces, rather then election.

Princes

Princes vvhiche haue had no children of theire owne to ſuccede them, haue had ever a ſpeciall care and foreſight therof for avoidinge of ciuill diſſention. So that the people might alwaies cheifely, Where there appeared any likelihodd of varietie of opinions or factions to enſewe abovvte the trevve and lavvfull ſucceſſion in gouernement, forknoue the trevve and certaine heire apparente. This care and foreſight dothe manifeſtlie appeare to haue bene not onlie in many Princes of forraine contreies, but alſo of this realme, aſwell before the time of the conqueſt, as alſo after, namely in kinge Edvvarde the confeſſour, in declaringe and appointinge Eadgare Athelinge his nephevves ſonne his heire, as alſo in kinge richarde the firſt vvho before he interpriſed his iorney to Hieruſalem (vvhere for his chiualrie he atchiued highe honour) declared by conſente of his nobilitie and commons, Arthur ſonne of his brother Duke of Britãne his next heire in ſucceſſion of the crowne. Of the which Arthur as alſo of the ſaide Eadgare athelinge, vve vvill ſpeake more hereafter. This care alſo had kinge Richarde the ſeconde vvhat

Floreshiſt. an. 1057.

Richardus canonicus ſãcta trin. Lõd. flores hiſto. anno 1190. Polid. lib. 14.

time by authoritie of parliamente, he declared *the* ſorde Edmonde Mortimer *that* maried Philippe davvghter and heire to his vncle Leonell Duke of Clarence heire apparente. And to diſcende to later times, our late noble Souereigne kinge Henrye the eyght ſhevved his prudente and zelous care in this behalf before his laſte noble viage into France: Whoſe davvghter our moſte dreade Souereigne Elizabeth dothe and hathe ſitt in the royall ſeate vvith ſuche peace, quietnes, and tranquilitie amõge all her ſubiects hitherto, that vve haue greate cavvſe to rẽder to God almighty our moſte hartie thancks for the ſame: And to craue of him like continuance, vvherof the ſinguler fruite & benefitt, as lõge as it ſhall pleaſe God to preſerue *her* to vs: Whiche vve moſte humble ſuppliãtes deſier of him for manie yeares, vvith ſome happie iſſevve frõ her grace (yf it be his bleſſed vvill) vve hope moſt fortunatelie to enioye. But yf God ſholde (as vve be all aſwell Princes as others ſubiecte to mortall chaunces) once bereaue vs of our gratiouſe Prince, the harts ãd iudgemẽts of men beinge no better, nor more firmelie ſetled and fixed tovvards the expectation of a certaine ſucceſſion, then *they* ſeame

Polid. lib. 20.

ſeame nowe to be: then woe and alas: Yt yr-kethe my verie harte, eauen ons to thincke vpon the imminẽte and almoſt the ineuitable danger of this our noble realme, beinge like to be ouerwhelmed with the raginge and roringe waues of mutuall diſcorde, ãd to be conſumed with the terrible fier of ciuill diſſention. The feare wherof ys the more, by reaſon alredie in theis late yeares, ſome flames therof haue ſparkeled and fluſſhed abrode, and ſome parte of the rage of the ſaide fluddes haue alredie beaten vpon the banckes. I meane the hott contention that hathe bene therin in ſo manie places, and amonge ſo manie perſons: of bookes alſo, that haue bene ſpredd abrode, and dailie are ſpredd, beinge framed affectionatelie, ãd ſowndinge according to the ſiniſter opinion of euerie mans priuate appetite. Seinge therefore that there ys iuſte cauſe of feare and of greate dãger likelie to happen by this varietie of mens iudgements ſo diuerſelie affected, as well of meane men as of greate pſonnages: I take yt the parte of euerie trewe engliſheman to labour and trauaile eache man for his poſſibilitie, and for ſuche talente as God hathe geauen him to helpe in conueniẽt time for the preuen-

tinge

tinge of the imminent danger: We knowe what witt, what pollicie, what paines, what charges men imploye to prouide, that the Themmes or sea do not ouerflowe suche places as be most subiecte to danger: We knowe what politicke prouision ys made in manie good cities and townes, bothe to foresee that by negligence there rise no dangerouse fiers, and yf they chaunce, with all diligence to represse the rage therof. Wherin amõge other hys prudente doings, Augustus the Emperour, ys commended for appointinge at Rome seaven companies ordinarilie to watche the Citie, for the purpose afore saide: Whervnto he was enduced by reason the citie was in one daie in seaven severall places sett on fier. And shall not we euery man for hys parte and vocation haue as vigilante care and respecte, to the extinguishinge of this fier alredie spronge owte, that maye (yf the matter be not wiselie foreseen) destroie, subverte and consume, not one citie only, but importe an vniuersall calamitie and destruction? Whiche to represse one redie and good waye seamethe vnto me, yf men maye knowe and be throvvglie persvvaded, in what person the right of the

succession

ſucceſſion of the crowne of this our realme doth ſtande and remaine. For nowe many men throwghe ignorance of the ſaide right and title, and alſo the ſame beinge depraved by certaine ſiniſter perſwaſiõs in ſome bookes, wher vnto they have to lightlie geaven creditt, be caryed awaye from the right opinion and good harte, that they otherwiſe Wolde and ſhoulde haue. The which kinde of men I do hartelie wiſhe from theire ſaide corrupte iudgement to be remoued: And ſhall in thys treatiſe do my beſte endevour to remoue, not preſuminge vpon my ſelf, that I am any thinge better able then others this to do, (for I knowe my owne infirmitie) But beinge gladd and willinge to imparte vnto others ſuche motiues (as vpon the readinge of ſuche bookes) as of late haue bene ſett forthe by the aduerſaries, and after the diligente weienge of diuers Arguments to the contrarie, ſeame vnto me ſufficiente to ſatiffie any honeſt and indifferent man, that ys not obſtinatlie bente to his owne Wilfull affections, or to ſome other ſiniſter meaninge and dealinge. We ſaye then and affirme that the right heire

and

and Succeſſor apparente vnto the crowne of this realme of Englande next after our Sovereigne Ladie Quene Elizabethe and her iſſue, ys ſuche a one as for the excellēte giftes of God and nature in her moſt princelie appearinge, ys vvorthie to inherite either this noble realme, or any other, be yt of muche more dignitie and worthines. But nowe I claime nothinge for the vvorthines of the perſon, whiche God forbidd ſhoulde be any thinge preiudiciall to the iuſte title of others: yf moſte open and manifeſte right, Iuſtice, and title do not cōcurre with the worthines of the perſon: Then lett the praiſe and Worthines remaine where yt ys, And the right Where God and the lavve hathe placed yt. But ſeinge God, nature and the lavve dothe call the perſon to this expectation, whoſe intereſte and claime I do novve proſequute (I meane the right excellente Ladie, Ladie Marie Quene of Scotlande) I hope that when her right and iuſte title ſhall be throwghlie harde and conſidered by the indifferente Reader, yf he be perſvvaded alredie for her right, he ſhall be more firmelie ſetled in his trevve and good opinion, and that the other parties beinge

The Quene of Scots is the right heire apparēte to the crovvne of Englande.

beinge of a contrarie minde ſhall finde good cavvſes and grovvndes, to remoue them from the ſame, and to geaue ouer and yelde to the trevvthe. Her graces title then (yf God call our Souereigne ovvte of this tranſitorie life, hauinge no iſſue of her maieſties bodye) as yt ys moſte open and euidende, ſo yt ys moſte conformable, to the lavve of God, of nature, and of this realme: And conſequentlie in a manner of all other realmes in the vvorlde, as grovvinge by the neareſte proximitie of the royall bloude. She ys a kinges and a Quenes davvghter, her ſelf a Quene, Davvghter to the late kinge Iames of Scotlande ſonne to ladie Margarett the eldeſt ſiſter to our late Souereigne kinge Henrie the eight. Whoſe Davvghter alſo the ladie Lenoux ys, but by a later huſbande. The ladie Frances late vvyfe to Henry Marques dorſett afterwarde Duke of Suffoocke: And the ladie Elenour late vvyfe to the Erle of Cumberlande, and theire progenye procedethe from the ladie Marie dowager of France yongeſt ſiſter of the ſaide kinge Henrie, late vvife to Charles Brandon Duke of Suffolke. I might here fetche

forthe

forthe olde farne dayes. I might reache backe to the noble and vvorthie kinges longe before the conqueſte, of vvhoſe royall bloude the ys diſcended, vvhiche ys no parte of our purpoſe, neither dothe enforce her title more then to proue her no ſtranger vvithin this realme. But the argumentes and prouſes which vve meane to alleage and bringe forthe for the confirmation of her right and title in ſucceſſion, (as heire apparente) to the crovvne of Englande, are gathered and grovvnded vpon the lavves of God and nature, and not onlie receaued in the ciuill pollicies of other nations, but alſo in the olde lawes and cuſtomes of our ovvne contrey, by reaſon approued, and by vſe and longe concontinevvance of time obſerued, from the firſte conſtitution of this realme in politicall order vnto this preſente daye. And yet for all that, hathe yt bene ād yet ys by ſome men attempted, artificiallie to obiecte and caſte manie miſtie darke clovvdes before ménes eyes, to kepe from them (yf yt maye be) the cleare light of the ſaide iuſte title, the vvhiche they vvolde extingvviſhe, or at the leaſte blemiſhe withe ſome obſcure ſhadovve of lavve. But in deede againſt the lavve,

lavve,and vvith the ſhadovve of parliamẽts: But in deede againſt the trewe meaninge of the pliamẽtes. And albe it,yt weré inowghe for vs(our cawſe beinge ſo firmelie ãd ſuerlie eſtabliſhed vpõ all good reaſon ãd lawe) to ſtande at defence and onlie to auoide(as eaſelie vve maye)theire obiections,Whiche principallie and cheifelie are grovvnded vpon the common lawes and ſtatutes of this realme:yet for the betteringe ãd ſtrengtheninge of the ſame,vve ſhall laye forthe ſondrie greate ãd inuincible reaſons cõioyned vvithe good and ſufficiẽt auᵭhoritie of the lawe,ſo approued and cõfirmed that the aduerſaries ſhall neuer be able iuſtlie to impugne them. And ſo that vve truſte, after the readinge of this our treatiſe, ãd the effectes of the ſame vvell digeſted no manner of ſcruple owght to remaine in any indiferent mans harte concerninge her right and title. Whoſe expectatiõ ãd cõſcience althovvghe we truſte fullie in this diſcourſe to ſatiſfie, ãd doubte nothinge in the vvorlde of the rightfulnes of our cauſe: Yet muſt we nedes cõfeſſe the mãner ãd forme to ẽtreate therof, to be full of difficultie ãd ꝑplexitie. For ſuche cauſes of Princes, as they be ſeldome and rare, ſo ys yt more rare and ſtange to

finde

finde them diſcourſed diſcuſſed and determined by any lawe or ſtatute. Albe it nowe and then ſome ſtatutes tende that vvaye. Neither do our lavves nor the corps of the Romaine and ciuill lavve lightlie medle With the princely gouernemente, but vvith priuate mens cauſes. And yet this not withſtandinge for the better iuſtifienge of our cavvſe, albe yt I denye not, but that by the cõmon lavve yt muſte be knovven vvho ovvght to haue the crovvne: And that the cõmon lavve muſte diſcerne the right aſwell of the crowne as of ſubiects: Yet I ſaye that there ys a greate difference betvvene the kinges right ād the right of others. And that the title of the crovvne of this realme ys not ſubiecte to the rules and principles of the cõmon lavve of this realme as to be ruled and tried after ſuche order and courſe as the inheritance of priuate perſonnes ys by the ſame. For the prouf wherof let vs conſider What the comon lavve of this realme ys, and howe the rules therof be grownded, and do take place. Yt ys verie manifeſte and plaine, that the comon lawe of this realme of Englande, ys no lawe Writtē, but grovvnded onlie vppō a cōmon and generall cuſtome throvvghe ovvte the vvhole

The cõmõ lavve of this realme ys rather grouñded vpon a generall cuſtome then any lawe writ ten.

vvhole realme as apparethe by the treatiſe of the aunciente and famous vvriter vpon the lavves of the realme named RANVLPHVS DE GLANVILLA. Who wrote in the time of the noble kinge Henrie the ſecõde, of the lavve and cuſtome of the realme of englande: Beinge then and alſo in the time of the reigne of kinge Richarde the firſt, the cheif counſailler and iuſtice of the ſame kinge. And alſo by the famous Iuſtice Forteſcue in his booke which he wrote beinge Chancellour of Englande, *De laudibus legum Angliæ*. And by 33,H.6: 51.and by 8.E.4.19. Which cuſtome by vſage and cõtinuall practiſe heretofore had in the kinges covvrtes vvithin this realme ys onlie knovven and mainteined: Wherein we ſeame muche agreable to the olde lacedemoniás, vvho manie hundred yeares paſt, moſt politikelie and famouſelie gouerned theire common vvealthe vvith lawe vnvvritten. Whereas amonge the Athenienſes, the vvritten lavves beare all the ſvvaye. This thinge beinge ſo trevve, that vvithe any reaſon or good authoritie yt can not be denied: then vve are farther to conſider vvhether the kinges title to the crovvne can be examined, tried, ād ordered by this common cuſ-

In prologo ſuo eiuſdē libri fol. 1. & 2.

De dicto Ranulpho Glanvilla vide Geraldū Cābrēſem in Topogra. de vvallia.

Forteſcue de laud. legum Angliæ. ca. 17

8.E.4,19, 33. H.6,51 pīſōs printe.

Iuſti. de iure naturał. gent & ciuil 55. ex non ſcript.

tome or no. Yf ye saie yt maye, then muste ye prove by some recorde that yt hathe bene so vsed. Othervviſe ye onlie saie yt & nothinge at all prove yt. For nothinge can be saied by lavve to be subiecte to any custome, vnlesse the same hathe bene vsed accordinglie, and by force of the same custome I am Well assured, that you are not able to proue the vsage and practise therof by any recorde ī any of the kinges cowrtes. Yea I vvill farther saie vnto you and also proue yt, that there ys no one rule generall or speciall of the cōmon lawe of this realme, Which ye either haue shewed or can shevve, that hathe bene taken by anye iuste construction, to extende vnto or binde the kinge or his crowne. I Will not denie, but that to declare and sett forthe the prerogatiue and Iurisdiction of the kinge ye maye shevve manie rules of the lawe: But to binde him (as I haue saide) ye can shevve none. Ye saie in your booke that yt ys a maxime in our lawe moste manifeste, that Who so ever ys borne ovvte of Englande, and of father and mother not beinge of the obediēce of the kinge of Englande, can not be capable to inherite any thinge in England. Whiche rule beinge generall withowte any

The aduersaries haue shevved no rule of the cōmon lawe that bindethe the crovvne.

wordes

Wordes of exceptio, ye alſo ſaie, muſte neds extende vnto the crovvne. What you meane by your lavve, I knovve not. But yf you meane (as I thincke you do) the common lawe of Engl̃ade: I anſuere there ys no ſuche maxime in the cõmon lavve of this realme of Englande, as hereafter I ſhall manifeſtlie prove. But yf yt vvere for arguments ſaxe admitted for this time that yt be a maxime, or generall rule of the cõmon lavve of Englande, yet to ſaie that yt ys ſo generall, as that no exceptiõ cã be takẽ agaĩſt the ſame rule, ye ſhevve your ſelf either ignorante, or elſe verie careleſſe of your credit: For it doth plainlie appeare by the ſtatute of 25. E. 3. (beinge a declaratiõ of that rule of the lawe which I ſuppoſe ye meane) terminge yt a maxime, that that rule extendethe not vnto the kinges children. Whereby yt moſte euidẽtlie appearethe, that yt extẽdeth not generallie to all: And yf yt extẽde not to bĩde the kinges children in reſpecte of any inheritance deſcẽded vnto thẽ frõ any of theire ancetours, yt ys an argumẽte a *fortiori*, that yt dothe not extẽde to bĩde the xĩge or his crowne. And for a ful & ſhorte anſwere to your authorities ſett forthe ĩ your marginall notes as 5. E. 3. tit. Aile. 13. E. 3. tit lĩe 31. E. 3. tit Co Co-

25. E. 3.

5. E. 3. tit Ayle 13. E. 3. tit lettre 31. E. 3. tit

tit. Coson 42. E.3, fo. 2, 22. H. 6 fol. 43, 11. H. 4. fo. 23 & 25. litletō cap. vilenag.

Coson 42. Edw. 3. fol. 2, 22. H. 6. fol. 42, 11. H. 4. fol 23. & 24. litlet. ca. vilenag. Yt maye plainlie appeare vnto all that vvill reade ād peruse thoses bookes, that there ys none of them all that dothe so muche as with a peece of a worde or by any colour or shadowe seame to intēde, that the title of the crowne ys bovvnde by that your supposed generall rule or maxime. For euerie one of the saide cases argued and noted in the saide booke, are oneli concerninge the dishabilitie of an alien borne and not denisen, to demaunde any landes by the lawes of the realme by suyte and action onlie, as a subiecte vnder the kinge, and nothinge tovvchinge any dishabilitie to be layed to the kinge him self or to his subiectes. Is there any controuersie abovvte the title of the crowne by reason of any suche dishabilitie towched in any of theis bookes? No verelie not one vvorde I dare boldlie saye, as maye most manifestlie appeare to them that vvill reade and pervse those bookes. And yet ye are not ashamed to note them as sufficiente auctorities for the maintenance of your evill purpose and intente. But as ye vvolde seame to vnderstande, that your rule of dishabilitie ys a generall maxime of the lawe, so me thincketh

The aduersaries case pteinethe to subiects onlye.

ye

ye ſhoulde not be ignorante, that yt ys alſo as generall, yea a more generall rule ād maxime of the lawe, that no maxime or rule in the lavve can extende to binde the kinge or the crovvne, vnleſſe the ſame be ſpeciallie mentioned therein, as maye appeare by diuers principles and rules of the lawe, which be as generall as is your ſayed ſuppoſed maxime, ād yet neither the kīge nor the crowne is by any of them bownde. As for exāple, yt ys very plaine that the rule of the tenante by the curteſie ys generall vvithovvte any exception at all. And yet the ſame bindethe not the crovvne, neither dooth extende to geue any benefitt to him that ſhall marye the Quene of englande. As yt vvas plainlie agreed by all the lavviers of this realme, vvhen kinge Phillippe vvas maried vnto Quene Marie, Althovvghe for the more ſuertie and plaine declaration of the intentes of kinge Philippe and Quene Marie, and of all the ſtates of this realme, yt vvas enacted, that kinge Philippe ſhoulde not claime any title to be tenante by the curteſie. Yt ys alſo a generall rule, that yf a man die ſeaſed of landes in fee ſimple vvithe ovvte iſſevve male, hauinge diuers davvghters: the lande ſhall be equallie deuiſed amōge the dawgh-

No maxime of the lawe bindethe the crovvne, vnles the crovvne ſpecially be named.

I

Of the tenante by the curteſie.

Nor that the landes ſhalbe deuided amõges the doughters

ters. Whiche rule the learned men in the lavves of this realme agreed vpõ in the life of the late noble Prince Edvvarde, and alſo euerie reaſonable man knowethe by vſage, taketh no place in ſucceſſiõ of the crowne, for there the eldeſte enioieth all, as thowghe ſhe vvere iſſevve male.

3

Nor the wife ſhall haue thē thirde pte.

Likevviſe yt ys a generall rule that the wife after the deceaſe of her huſbande ſhalbe indevved and haue the thirde parte of the beſte poſſeſſion of her huſbande, and yet yt ys verie clere that the Quene ſhall not haue the thirde parte of the lādes belogīge to the crowne as appearethe in 5, E. 3, tit prętrogat. 21: E. 3: 9 & 28 H 6. ād diuers other bookes. Beſids that the rule of *Poſſeßio fratris*, beīge gñrall, Neither hathe bene or cā be ſtretched to the inheritāce of the croune, for the brother of the half bloud ſhall ſuccede ād not the ſiſter of the vvhole bloud, as maye appeare by Iuſtice Moile, ād †maie be ꝓued by kinge Etheldred brother ād ſucceſſor to kinge Edwarde the Martyr, and by kinge Edvvarde the confeſſour brother to kinge Edmūde, ād diuers others who ſucceded in the crovvne of Englāde, beinge but of the halfe bloud. As vvas alſo the late Quene Marie, ād ys at this preſent our gratious Souereigne Elizabethe. Who bothe

5, E. 3, tit. prarogat. 20, 21. E. 3, fo 13. 9. H. 6., f. 12 & 52. 28. H. 6, fo. 15. Red. prīte.

4

* *Nor the rule of poſſeſſ. fratris &c.*

†34 H 6. 58. *Red. printe.*

in

in all recordes of our lavve vvherin theire ſeuerall rightes and titles to the crovvne are pleaded (as by daylie experience alvvell in the exchequer, al alſo in all other covvrtes ys manifeſte) do make theire conueiance as heires in bloude the one to the other, vvhiche yf they vvere cõmon or priuate perſones they coulde not be allovved in lavve, they (as ys vvell knowen) beinge of the half bloude one to the other, that ys to vvitt, begotten of one father but borne of ſondrie mothers. Yt ys alſo a generall rule in the lavve, that the executours ſhall haue the goodes ãd chattelles of the teſtatour and not the heire, ãd yet ys yt othervviſe in the caſe of the crovvne, for there the ſucceſſor ſhall haue them and not the executour, as appearethe in 7, H. 4, by Gaſcoine. Yt ys likevviſe a generall rule, that a man Attainted of felonie or treaſon, his heire throwghe the corruption of bloude, vvithoute pardon and reſtitutiõ of bloude, ys vnable to take any landes by diſcente. Which rule althowghe yt be generall, yet yt extenderhe not to the diſcente or ſucceſſion of the crovvne, althovvghe the ſame Attainder were by acte of pliamẽte as maie appeare by the Attainder of Richarde

Nor that the executour ſhall haue the goodes and chatelle of the teſtatour.

7 *H.* 4. *fo.* 43, 11 *H.* 4, 9.

Nor that a traitour is vnhableto take land, by diſcẽt & without pardon.

Duke of yorke and kinge Edvvarde his ſonne, and alſo of kinge Henrie the ſeauēthe, whoe were attainted by acte of parliamente, and never reſtored, and yet no diſhabilitie thereby vnto Edvvarde the fovvrethe, nor vnto Henry the ſeaventhe to receave the crovvne by lavvfull ſucceſſion. But to thys you wolde ſeame to anſvvere in your ſaide booke, ſaienge that Henry the ſeaventhe not vvithſtandinge hys Attainder came to the crowne, as caſt vpon him by the order of the lawe. For as muche that vvhen the crovvne vvas caſte vpō him, that diſhabilitie ceaſed. Wherein ye confeſſe directlie, that the Attainder ys no diſhabilitie at all to the ſucceſſiō of the crovvne. For althovvghe no diſhabilitie can be alleaged in him that hathe the crovvne in poſſeſſion, yet yf there vvere any diſhabilitie in him before to receaue and take the ſame by lavvfull ſucceſſion, then muſte ye ſaie that he vvas not lavvfull kinge but an vſurper. And therefore in confeſſinge Henrye the ſeaventhe to be a lavvfull kinge, and that the crovvne vvas lavvfullie caſte vpon hym, ye confeſſe directlie thereby that before he Was kinge in poſſeſſion, there vvas no diſhabilitie in hym to take the crovvne

by

by lavvfull ſucceſſion, hys ſaide Attainder not vvith ſtandinge: Whiche ys as muche as I vvolde vviſhe you to graunte. But in concluſion, vnderſtandinge your ſelf, that this your reaſon can not mainteine your intente: you go abovvte an other vvaye to helpe your ſelfe, makinge a difference in the lavve betvvene the caſe of Attainder, and the caſe of forren birthe ovvte of the kinges alleagance: ſainge, that in the caſe of Attainder neceſſitie dothe enforce the ſucceſſion of the crovvne vpon the partie attainted: For othervviſe ye ſaie the crovvne ſhall not deſcende to anye. But vpon the birthe ovvte of the kinges allegeance, ye ſaie yt ys othervviſe. And for prouf therof ye put a caſe of I. S. beinge ſeaſed of landes, and havinge iſſevve A, and B. A, ys attainted in the life of I. S. his father, and after I. S. diethe, A livinge vnreſtored. Novve the lande ſhall not deſcende either to A, or B. But ſhall goe to the lorde of the fee by vvaye of eſchete. Othervviſe yt had bene (ye ſaie) yf A, had bene borne beyonde the ſea. I, S. breakinge his allegeance to the kinge, and after I, S. cometh againe into the realme, ād hathe iſſevve B. and diethe, for novve (ye ſaie) B. ſhall inherite hys fathers landes. Yf the crowne

An anſvvere to the aduerſarie makinge a difference betvvene attainder & birthe ovvte of the allegeance.

crowne had bene holden of any perſon, to whom yt might haue eſcheted, as in your caſe of. I, S. the lande did. Then paraduenture there had bene ſome affinitie betwene your ſaide caſe, and the caſe of the crowne. But there ys no ſuche matter. Beſides that, ye muſte conſider, that the kinge cometh to the crovvne not onlie by diſcente, but alſo and cheifelie by ſucceſſion, as vnto a corporation: And therefore ye might eaſelie haue ſene a difference in your caſes betvvene the kinges Maieſtie and I, S. a ſubiecte: And alſo betwene landes holden of a lorde above, and the crowne holden of no earthlie lorde, but of God almightie onlie. But yet for argumentes ſake, I wolde faine knowe vvhere you finde your difference, ād vvhat aucthoritie you can ſhevve for the proof therof. Ye haue made no marginall note of any aucthoritie: And therefore vnleſſe ye alſo ſaie, that ye are Pythagoras, I will not beleve your difference. Well I am aſſuered, that I can ſhewe you good aucthoritie to the contrarie, And that there ys no difference in your caſes. Perviſe I praie you. 22. H. 6. and there maye you ſee the opinió of Iuſtice Newtó, that there ys no difference in your caſes, but that in bothe your caſes

22. H. 6. fol. 43.

the

the lande ſhall eſchete vnto the lorde. And Priſote beinge then of counſaile vvith the partie that claimed the landes by a diſcente: Where the eldeſte ſonne vvas borne beyonde the ſeas, durſte not abide in lavve vpon that title. This auctoritie ys againſte your difference, and this auctoritie, I am well aſſuerid ys better, then any that you haue ſhewed to proue your difference. But yf We ſhall admitt your difference to be accordinge to the lavve, yet your caſes, Whervnto you applye your differēce are nothīge like, as I have ſaiede before. But to procede on in the proof of our purpoſe, as yt dothe appeare, that neither the kīge, nor his crovne ys bownde by theys general rules which before I haue ſhevved: So do I like wiſe ſaie of all the reſidewe of the generall rules ād maximes of the lawe, beinge in a māner infinite. But to retorne againe vnto your onlie ſuppoſed Maxime, whiche you make ſo generall cōcerninge the diſhabilitie of perſōs borne beyonde the ſeas: yt ys verie plaine, that yt was never taken to extēde vnto the crovne of this realme of Englāde, as yt maie appeare by kinge Stephē, & by kinge Hērie the ſecōde, whowere both ſtrāgers & Frēchmē. And borne oute of the kīges allegiāce, and

The ſuppoſed maxime of the adv ſaries touchethe not kinges borne beyōde the ſea, as appeareth by kinge Stephen, and kīge Hē. 2.

and neither vvere they the kinges children immediate nor theire parētes of the allegiance, And yet they haue bene alwayes accompted lawfull kinges of Englande, nor theire title vvas by any man at any time defaced or comptrolled for any ſuche conſideration or exceptiō of forren birthe. And yt ys a worlde to ſee, howve you vvolde ſhifte your handes from the ſaide kinge Henrie. Ye ſaie *he* came not to the crovne by order of the lavve, but by capitulatiō or agrement, for as muche, as his mother by whome he conveied hys title vvas then livinge. Well admitt that he came to the crowne by capitulation duringe his mothers life. Yet this dothe not preue that *he* vvas diſhabled to receaue the crovvne, but rather proveth his abilitie. And althovvghe I did alſo admitt, that he had not the crovvne by order of the lavve duringe his mothers life, yet after his mothers deathe no man hathe hytherto dovvbted, but that he vvas kinge by lavvfull ſucceſſion, and not againſte the lavves and cuſtomes of this realme. For ſo might you putt a dovvbte in all the kinges of this realme: that ever gouerned ſithens, and driue vs to ſeake heires in Scotlande or elles where, whiche thinge we ſuppoſe you

The aduerſaries obiectiō touchinge kinge H. 2. avoided.

are

are over vvise to goo abowte. Besides this I haue harde some of the adversaries for farther helpe of theire intention in this matter saie that kinge Henrie the seconde vvas a Quenes childe, and so kinge by the rule of the common lavve. Trevvlie I knovve, he vvas an Empresse childe, but no Quene, of Englandes childe. For althovvghe Mavvde the Empresse his mother had a right and a good title to the crovvne and to be Quene of Engl̃ade: Yet vvas she never in possessiō, but kept from the possession by kinge Stephen: And therefore kinge Henrye the seconde can not iustlie be saide to be a Quene of Englandes childe, nor yet any kinges childe, vnlesse ye wolde intende the kinges children by the wordes of infantes de Roy &c. to be children of farder degree, ād discended fom the right line of the kinge: so ye might saie trevvlie that he vvas the childe of kinge Henrye the firste, beinge in dede the sõne and heire of Mavvde the Empresse, davvghter and heire of kinge Henrie the firste. Whereby your saide rule ys here fovvlie foiled. And therefore ye Wolde faine for the maintenance of your pretensed maxime, catche some holde vppō Arthure the sonne of Ieffrey one of the sonnes

As tovvchīge Arthur kīge Richardes nephewe.

sonnes of the saide Henrie the seconde. Ye saye then like a good and iolie antiquarie, that he vvas reiected from the crovvne, by cause he vvas borne ovvte of the realme. That he vvas borne ovvte of the realme ys verie trevve, but that he was reiected from the crovvne for that cause yt ys verie false. Neither haue you any aucthoritie to proue your vaine opinion in this pointe. For yt ys to be ꝓued by the cronicles of this realme that kinge Richarde the first vncle vnto the saide Arthure, takinge his iorney tovvarde Hierusalē, declared the saide Arthur (as vve haue shevved before) to be heire apparente *vnto the crowne: Whiche vvolde not haue bene, yf he had bene taken to be vnhable to receaue the crowne by reasō of forē birthe. And althovvghe kinge Iohan did vsurpe aswell vpō the saide kinge Richarde the firste his eldest brother, as also vpon the saide Arthur his nephevve: yet that ys no proof, that he vvas reiected, by cause he vvas borne owte of the realme. Yf ye colde proue that, then had ye shewed some reason and presidente to proue your intente, Whereas hitherto you haue sheued none at all, nor

Vt autem pax ista & summa dilectio, tam multiplici q̄ arctiori vīculo cōnectat, p̄dictis curię vestrę magnatib⁹, id ex ꝑte vr̄a tractātib⁹ (dn̄o disponēte) condixim⁹ inter Arthurum egregiū ducem Britannię, neporē nostrū & heredē si fortè sine ꝓle obire nos cōtigerit, & filiā vestrā matrimoniū cōtrahendū. &c.

* *In tractatu pacis inter Rich. 1. & Tancredū Regē Siciliæ vid. Rog. Honenden & Richar. canonicū sanctæ Trinitatis Londini.*

nor I am well aſſured ſhall euer be able to ſhevve. Thus maye ye ſe (gẽtle reader) that neither this pretenſed maxime of the lavve ſett forthe by the aduerſaries, nor a greate nõber more as generall as this ys (which before I haue ſheued) can by anye reſonable meanes be ſtretched to bīde the crovvne of Englãde. Theis reaſons ãd auctorities maye for this time ſuffice to ſhue that the crowne of this realme ys not ſubiecte to the rules and the principles of the common lavve, neither can be ruled and tried by the ſame. Whiche thinge beinge trevve, all the obiections of the aduerſaries made againſt the title of Marie the Quene of Scotlande to the ſucceſſiõ of the crovvne of this realme, are fullie anſvvered, and thereby clierlie vviped avvaye. Yet for farther argumentes ſake, and to the ende vve might haue all matters ſifted to the vttermoſte and therby all thinges made plaine: Let vs for this time ſome vvhat yelde vnto the aduerſaries, admitringe that the title of the crovvne of this realme vvere to be examined and tried by the rules and principles of the common lavve, ãd then lett vs conſider and examine farther, whether there be any rule of the common lavve, or elles ſtatute that by

good

good and iuſte conſtruction, can ſeame to impugne the ſaide title of Marie the Quene of Scotlande or no. For tovvchinge her lineall deſcente from kinge Henrye the ſeauenthe, and by his eldeſte davvghter (as we haue ſhevved) there ys no man ſo impudẽte to denie yt. What ys there then to be obiected? Amonge all the rules, maximes, ãd iudgementes of the common lavve of this realme, onlie one rule as a generall maxime ys obiected againſt her: And yet the ſame rule ys ſo vntrevvlie ſett forthe, that I can not vvell agree, that yt ys any rule or maxime of the comon lawe of this realme of Englande. Your pretẽſed Maxime ys, who ſoeuer ys borne ovvte of the realme of Englande, and of father ãd mother not beinge vnder the obedience of the kinge of Englande, can not be capable to inheriteany thinge in Englãde, vvhich rule ys nothinge trevve but altogether falſe. For euerie ſtranger and alien ys able to purchaſſe the inheritance of landes vvithin this realme, as yt maye appeare in 7 & 9 of kinge Edvvarde the fovvrthe. And alſo in, 11, & 14, of kinge Henrie the fovvrthe. And altovvghe the ſame purchaſſe ys of ſome men accompted to be to the vſe of the kĩge: Yet vntill ſuche time

A falſe maxime ſet forthe by the aduerſarie.

7.E.4.fol. 28.9.E.4. fo.5.11.H. 4.fol.25. 14.H.4.f. 10.

time as the Kinge be intitled ther vnto by matter of recorde, the inheritance remaynethe in the alien by the opinio̅ of all men: And ſo ys a verie alien capable of inheritance within this realme. And then it muſte nedes fall ovvte plainlie: that your generall maxime vvhere vpon you haue talked and braged ſo muche, ys novve become no rule of the common lavve of this realme. And yf it be ſo, then haue you vttered very many vvordes to ſmall purpoſe. But yet let vs ſee farther vvhether there be any rule or maxime in the co̅mon lavve that maye ſeame any thinge like to that rule, Whervpon any matter maie be gathered againſt the title of the ſaide Marie Quene of Scotland. There ys one rule of the co̅mon lavve, in vvordes ſomevvhat like vnto that, vvhiche hathe bene alleaged by the aduerſaries. Whiche rule ys ſett forthe and declared by a ſtatute made An. 25. of Kinge Edwarde the thirde. Whiche ſtatute reciringe the dovvbte that then vvas, Whether infantes borne ovvte of the allegiance of Englande ſhoulde be able to demaunde any heritage vvithin the ſame allegia̅ce or no? Yt vvas by the ſame ſtatute ordained, that all Infantes inheritours, Whiche after that time ſhoulde be borne

owte of the allegiance of the kinge, whoſe father and mother at the time of theire birthe, were of the faithe and allegiance of the kinge of Englande, ſhoulde haue and enioye the ſame benefittes and aduantages to haue ād carrie heritage within the ſaide allegiance, as other heires ſhoulde. Where vpon yt ys to be gathered by dewe, and iuſte conſtruction of the ſtatute, and ſo hathe bene heretofore cōmonlie taken, that the common lawe alwayes was, and yet ys, that no perſon borne owte of the allegiance of the kinge of Englande, whoſe father and mother were not of the ſame allegiance, ſhoulde be able to haue or demaunde any heritage within the ſame allegiance as heire to any perſon. Whiche rule I take to be the ſame ſuppoſed maxime, whiche the aduerſaries do meane. But to ſtretche yt generallie to all inheritances (as the aduerſaries wolde ſeame to do) by anie reaſonable meanes cā not be. For (as I haue ſaied before) euery ſtrāger and alien borne, maye haue and take inheritance as a purchaſſer. And if an alien do marrie a woman inheritable, the inheritance therby ys bothe in the alien, and alſo in his wife: And the alien therby a purchaſſer. No man dowbteth but

The ſtatute of Edvvard 3. anno 25. touchethe inheritāce and not purchaſſe.

that

that a denizen maye purchaſſe landes to his owne vſe, but to inherite landes as heire to any perſon vvith in the allegiance of Englande, he can not by any meanes. So that yt ſeamethe verie plaine, that the ſaide rule bindethe alſo denizens, and dothe onlie extende to diſcentes of inheritance, and not to the hauinge of anie landes by purchaſſe. Nowe will we then conſider, whether this rule by any reaſonable cõſtruction can extende vnto the ladie Marie the Quene of Scotlande, for and concerninge her title to the crowne of Englãd. Yt hathe bene ſayed by the aduerſaries, that ſhe was borne in Scotlande, whiche realme ys owte of the allegiance of Englande, her father and mother not beinge of the ſame allegiance. And therefore by the ſaide rule ſhe ys not inheritable to the crowne of this realme. Althowghe I might at the beginninge verie vvell and orderlie denie the conſequente of your argumente: yet for this time we will firſte examine the antecedente whether yt be trewe or no: And then conſider vpon the conſequente. That the Quene of Scotlande was borne in Scotlande, yt muſt nedes be graunted, but that Scotlande ys owte of the allegiãce of Englãde, thowghe the ſaide Quene of Scotlande and all her

11. H. 4. fol. 25.

Scotlande ys within the allegiãce of Englande.

ſubiectes of Scotlande vvill ſtovvtely affirme the ſame: yet there are a greate nomber of men in Englande both learned and others that be not of that opinion, beinge ledd and perſvvaded there vnto by diuers hiſtories, regiſters, recordes, ād inſtrumētes of homage remaininge in the treaſurie of this realme, Wherin ys mentioned that the kinges of Scotlande haue acknovvledged the kinge of Englande to be the ſuperiour lorde ouer the realme of Scotlande, and haue done homage ād fealtie for the ſame. Whiche thinge beinge trevve (not vvithe ſtandinge yt be comonlie denied by all Scottes men) then by the lavves of this realme Scotlande muſte nedes be accompted to be vvith in the allegiance of Englande. And altowghe ſins the time of kinge Henrie the ſixt, none of the kinges of Scotlāde haue done the ſaide ſeruice vnto the kinges of Englande: Yet that ys no reaſon in our lavve to ſaye, that therefore the realme of Scotlande at the time of the birthe of the ſaide Ladye Marie Quene of Scotlande, beinge in the thirtie and fovverthe yeare of the reigne of our late Souereigne lorde kinge Henrie the eight, vvas ovvte of the allegiance of the kinges of Englande. For

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the lavve of this realme ys verie plaine, that thovvghe the tenaunte do not his ſeruice vnto the lorde, yet hathe not the lorde therby loſt his ſeigneurie, for the lande ſtill remainethe within his fee and ſeigneurie that not with ſtandinge. But paraduenture ſome vvill obiecte and ſaye, that by that reaſon Frãce ſhoulde likevviſe be ſayed to be within the allegiance of Englande, for as muche as the poſſeſſion of the crovvne of France hathe bene vvithin a litle more, then the ſpace of one hundred yeares novve laſte paſte, lavvfullie veſted in the kinges of Englãd. Whoſe right and title ſtill remainethe in the Quenes maieſtie that novve ys. To that, there ys a greate difference betvvene the right and title vvhiche our Souereigne ladie claimethe to the realme of France, ãd the right and title vvhiche her highnes claimethe to the realme of Scotlãd: Althowghe yt be trevve, that the kinge of Englande hathe bene lavvfullie poſſeſſed of the crowne of France, vvhoſe right and title by iuſte and lavvfull ſucceſſion ys deuolued vnto our ſaide Souereigne ladie: Yet duringe ſuche time, as her highnes by vſurpation of other ys diſpoſieſſed of the ſaide realme of France, the ſame realme by no

The lorde loſethe not his ſeignierie though the tenãte dothe not his ſeruice.

meanes can be ſaide to be with in her highnes allegeãce: eſpeciallie cõſideringe howe that ſins the time of yſurpation, the people of France haue wholie forſaken theire allegeance and ſubiection, whiche they did owe vnto the kinges of Englãde: And haue geuen and ſubmitted them ſelues vnder the obedience and allegeance of the vſurpers. But as for the realme of Scotlande yt ys oterwiſe: For the title which our Souereigne Ladie and Quene and her ꝓgenitours haue claimed vnto the realme of Scotlãde ys not in the poſſeſſion of the lande and crowne of Scotlande, but onlie vnto the ſeruice of homage and fealtie for the ſame. And althowghe the kinges of Scotlande ſithe the time of kinge Henrie the eight, haue intermitted to do the ſaide homage and fealtie to the kinges of England: Yet for all that the kinges of Scotlãde can not by any reaſon or lawe be called vſurpers. And thus maye ye ſee (gentle Reader) by the opinion of all indifferent men, and not led by affection, that the realme of Scotlande hathe bene, and yet ys, within the allegeance and dominion of Englande: And ſo your antecedent or firſte propoſition falſe. And yet that makethe no prouf that the realme of

Fraunce

Frãce likewiſe ſhoulde nowe be ſaide to be with in the allegiãce of our Souereigne Ladie the Quene of England, by reaſon of the manifeſte and apparente difference before ſheued. But what yf your antecedent were trewe, ãd that we did agree bothe withe the ſaide Quene of Scottes ãd her ſubiectes ãd alſo withe you, that Scotlande were owte of the allegiance of Englande? Yet yt ys verie plaine that your cõſequente and concluſion can not by anye meanes be trewe. And that prĩcipallie for three cauſes. Wherof one ys, for that neither the kĩge nor the crowne (not beinge eſpeciallie mentioned in the ſaide rule or pretẽded maxime) can be intẽded to be with in the meaninge of the ſame maxime, as we haue before ſufficientlie proued by a greate nomber of other ſuche like generall rules and maximes of the lawes. An other cauſe ys, for that the crwne cã not be taken to be with in the wordes of the ſaide ſuppoſed maxime: And that for two reſpectes, one ys by cawſe the rule doth onlye diſhable aliens to demaunde any heritage with in the allegiance of Englande, which rule can not be ſtretched to the demaunde of the crowne of Englande, which ys not with in the allegiance

The cauſes vvhy the crowne cã not be compriſed with in the pretẽded maxime.

of Englande, but ys the verie allegiance yt ſelf: As for a like example. Yt ys trevve that all the landes vvith in the kinges dominion are holden of the kinge either mediatlie or immediatelie, and yet ys yt not trevve that the crovvne (by vvhiche onlie the kinge hathe his dominion) can be ſaide to be holden of the kinge. For withoute the crowne there can be neither kinge nor allegiance: And ſo longe as the crovvne reſtethe onlie in demaunde not beinge veſted in any perſon, there ys no allegiance at all. So that the crovvne can not be ſaide by any meanes to be vvith in the allegiance of Englãde: And therfore not within the wordes of the ſaide rule or maxime. The title of the crovvne ys alſo ovvte of the vvordes and meaninge of the ſame rule in any other reſpecte: And that ys by cauſe that rule doth onlie diſhable an alien to demaunde landes by diſcẽte as heire: for yt dothe not extẽde vnto lãdes purchaſſed by an alien, as vve haue before ſufficientlie proued. And then can not that rule extende vnto the crovvne beinge a thinge incorporate, the right wherof dothe not deſcẽde accordĩge to the comõ courſe or priuate inheritance, but goethe by ſucceſſion as other corporations do. No man

with ovte the crownether cã neither be Kinge nor allegiãce.

40.E.3.f. 10.13.E.3. titlfe 264. 16.E.3.iurãs de faire 17.E.3.tit Scire fac.7

dowb-

dowbte the but that a prior alien beinge no denizen, might alvvayes in time of peace demaunde lande in the right of his corporatiō. And so likevvise a deane or a person beinge aliens and no denizens, might demaunde landes in respecte of theire corporations, not vvith standinge the saide supposed rule or mxime, as maye appeare by diuers booke cases, as also by the statute made in the time of kinge Richard the seconde. And altovvghe the crovvne hathe alvvayes gone accordinge to the cōmon covvrse of a discente: Yet dothe yt not properlie descēde but succede. And that ys the reason of the lavve, that althovvghe the Kinge be more fauoured in all his doinges, then any cōmon person shalbe: Yet can not the Kinge by lavve auoide his grauntes and lettres patentes by reason of his nonage, as other Infantes maye do, but shall alvvayes be saide to be of full age in respecte of his* crowne: eauen as a person, vicare, or deane, or any other person incorporate shalbe: Whiche can not by any meanes be sayed in lawe to be vvith in age in respecte of theire corporations, Altowghe the corporation be but one yeare olde. Besides that, the kinge cā not by the lawe avoide the lettres pa-

A Deane a Person & Priour beynge an alien maye demande lādein the right of his corporatiō

An. R. 23c. 36. E 3. fo. 21. tit droite. 26 lib. Assis. p. 54 12. lib. Assis. tit. enf. 9 H. 6 fol. 33 3; H. 6. fo. 35. 5. E. 4: t. 71. 49 li. Ass. pag. 17 22. H. 6. fo. 31, 13. H. 8. fo. 14 7 E. 4. f. 29 9 E. 4 f. 10

**The kīge ys alvvayes at full age in respecte of hys crovvne.*

patentes made by any vſurper of the crowne (vnleſſe yt be by acte of parliamente no more then other perſons incorporate ſhall auoide the grauntes made by one that vvas before vvrongfullie in theire places and roumes. Whereas in diſcentes of inheritances the lawe ys otherwiſe. For there the heire maye auoide all eſtates made by the diſſeſor or abatour, or anye other perſon vvhoſe eſtate ys by lavve defeated. Wherby yt dothe plainlie appeare that the kinge ys incorporate vnto the crowne, and hathe the ſame properlie by ſucceſſion, and not by diſcente only. And that ys likewiſe an other reaſon to proue, that the kinge and the crowne can neither be ſaide to be with in the wordes, nor yet with in the meanīge of the ſaide generall rule or maxime. The thirde and moſte principall cauſe of all ys, for that the ſaide ſtatute vvhere vpon the ſaide ſuppoſed rule or maxime ys gathered: the children diſcendants and diſcended of the bloude royall by the vvordes of Enfāts du Roy, are expreſſeli excepted owte of the ſaide ſuppoſed rule or maxime. Which wordes the aduerſaries do muche abuſe ī reſtrainīge & cōſtruinge thē to extende but to the firſt degree onlie. whereas the ſame wordes may

The Kings childrē are expreſſelye excepted frō the ſurmiſed maxime.

may verye vvell beare a more large and ample interpretation. And that for three cauſes and conſiderations. Firſte by the ciuill lavve, this vvorde Liberi (vvhiche the vvordes Enfants beinge the vſuall and originall vvorde of the ſtatute vvritten in the Frenche tongue counteruaileth) dothe comprehende by proper and peculier ſignification not only the children of the firſt degree, but other diſcendants alſo In the lavve ſayenge, that he vvho ys manumiſſed or made free ſhall not commence any action againſte the children of the patrone or manumiſſor vvithovvte licence, not only the firſt degree, but the other alſo ys conteined. The like ys vvhen the lavve of the twelve tables ſayethe: The firſte place and roume of ſucceſſion after the deathe of the parentes that dye inteſtate, ys duë to the children, vvhiche ſucceſſion apperteinethe as vvell to degrees remoued as to the firſte. Yea in all cauſes fauorable (as ovvrs ys) this vvorde Sonne Filius: conteinethe the nephevve, thovvghe not by the propertie of the voice or ſpeache, yet by interpretation admittable, in all ſuch thinges as the lavve diſpoſethe of. As tovvchinge this vvorde Enſans in Frenche vve ſaye that yt

L. liberorũ. de verborum ſignific. ff.

L. ſed & ſi ff. de in Ius vocãdo inſpit. de heredibus ab inteſt.

L. lucio ff. de heredi. Inſtit. l. iuſta et l. naturũ & l. liberorũ de verbor. ſignifie.

rea-

L. 2. §. Si mater ad S. C. Tertu. l. filiꝰ ad S. C. Maced. l. ſenat de ritu nupt. l. qꝫ ſi nepotes ff. de teſt. tutel cū notatis ibidem.

reachethe to other deſcendants, as well as to the firſte degree. Wherein I do referre me to ſuche as be expte in the ſaide tōgue. We have no one worde (for the barenes of *our engliſhe tongue) to counterpaiſe the ſaide frenche worde Enfans, or the laten worde Liberi. Therefore do we ſupplie yt as well as we maye by this worde children. The Spaniardes alſo vſe this worde Infātes in this ample ſorte whē they call the nexte heire to the heire apparente the infante of Spaine: Eaven as the late deceaſed lorde Charles of Auſtriche was called, his father and grandfather then livinge. Yf then the originall worde of the ſtatute declaringe the ſaide rule, maye naturallie and properlie appertine to all the deſcendants, why ſhoulde we ſtraine and binde yt to the firſte degree onlie, otherwyſe then the nature of the worde or reaſon will beare? For I ſuppoſe verelie, that yt will bē verie harde for the adverſarie to geave any good and ſubſtanciall reaſon, whie to make a diuerſitie in the caſes. But towchynge the contrarie, there are good and probable conſiderations whiche ſhall ſerve vs for the ſeconde cauſe. As for that the grandfatheres call theyre nephewes as by a more pleaſante plau-

*Enfants in franche coūternaile the thys vvorde liberi in laten.

d. l. liberorum.

The grand fathers cal theire nephevves ſonnes.

plauſible name not onlie theire chyldren but theire ſõnes alſo, & for that the ſonne beinge deceaſed (the grand father ſurviuinge) not only the grand fathers affectiõ, but alſo the ſuche right title and intereſte that the ſonne hathe by the lawe, and by proximitie of bloudde, growe and drawe all to* the nephewe, Who repreſentethe and ſuppliethe the fathers place, the father ād the ſonne beinge compted in parſon and in fleſhe in manier but as one: Whie ſhall then the bare and naked cõſideration of the externall and accidentall place of the birthe onlie ſeuer and ſonder ſuche an intire, inwarde and naturall coniunction? Add there vnto the manye and greate abſurdities that maye herof ſpringe and enſewe. Diuerſe of the kinges of this realme, as well before the time of kinge Edwarde the thirde (in woſe time this ſtatute was made) as after him, gaue theire dawghters owte to forraine, and ſome tymes to meane Princes in mariage, which thei wolde never ſoo oftē times have done, if they had thowght, that while thei wente abowte to ſett forthe and aduāce theire iſſewe, theire doinges ſhoulde haue tended to the diſheritynge of them from ſo greate, large, and noble a Realme

*L. Gallus §. inſtituens ff. de libert. & poſt l. fi. C. d. impub. & alijs ſubſt. cap. iā 1. q. 4.

The father and ſonne are cõpted in perſon and fleshe in maniere one.

The greate abſurditie that might followe in excludīge the trewe and right ſucceſſor for the place of his birthe onlie.

as

as this ys: Whiche might have chaunced yf the dawghter hauinge a ſonne or dawghter had died, her father liuinge. For there ſhould this ſuppoſed maxime have bene a barre to theire children, to ſuccedde theire grand father. This abſurditie wolde have bene more notable, yf yt had chaunced abowte the time of kinge Henrie the ſeconde, or this kinge Edwarde, or kinge Henrie the firſte and ſixt, when the poſſeſſions of the crowne of this realme were ſo amplie enlarged in other contreyes beyonde the ſeas. And yet never ſo notable, as yt might have bene hereafter in our freſhe memorie and remembrance, yf any ſuche thinge had chaunced (as by poſſibilitie yt might haue chaunced) by the late mariage of kinge Philippe and Quene Marie. For Admittinge theire dawghter married to a Forren Prince ſhoulde have died before them, ſhe leauinge a ſonne ſurvivinge his father and grand mother, they hauinge none other iſſewe ſo nighe in degree, then wolde this late framed maxime haue excluded the ſame ſonne lamẽtablie and vnnaturallie, from the ſucceſſion of the crowne of Englande, and alſo the ſame crowne from the inheritance

of

of the realmes of Spaine, of both Sicilies, with theire appourtenances, of the Dukedome of Millaine and other landes and dominions in Lumbardie and Italie, as alſo from the Dukedomes of Brabante, Luxembourge, Geldres, Zutphan, Burgundye, Friſelande, from the contreyes of Flaunders, Arthois, Hollande, Zelande, and Namours, and from the newe fownde landes, parcell of the ſaide kingdome of Spaine. Whiche are (vnleſſe I be deceaued) more ample by doble or treble, then all the contreyes nowe rehearſed. All the whiche contreyes by the foreſaide mariage ſhoulde haue bene by all right deuolued to the ſaide ſonne, yf anye ſuche childe had bene borne. Yf either the ſame by the force of thisiolie newe founde maxime had bene excluded from the crowne of Englande: or the ſaide crowne from the inheritance of the fore ſaide contreyes: Were there any reaſon to be yelded for the maintenãce of this ſuppoſed rule or maxime in that caſe? Or might there poſſiblie riſe any cõmoditie to the realme by obſeruinge there in this rigorouſe ſtrenſed rule, that ſhoulde by one hundred pte counteruaile this importable loſſe ād ſpoile of the crowne, and of the lawfull

inhe-

inheritour of the ſame? But perchance for the auoidinge of this exceptiō limited vnto the bloude royall: ſome will ſaye that the ſame was but a priuilege graunted to the kinges children not in reſpecte of the ſucceſſion of the crowne, but of other landes deſcendinge to them from theire Auncettours. Whiche altowghe we might verie well admitte and allowe: yet can yt not be denied, but that the ſame privilege was graunted vnto the kinges children and other deſcendants of the bloudd royall by reaſon of the dignitie and worthines of the crowne, which the kinge theire father did enioye, And the greate reverence which the lawe geuethe of dewtie therevnto: and therefore yf ye wolde goe abowte to reſtraine and withe drawe from the crowne that privilege which the lawe geuethe to the kinges children for the crownes ſake: ye ſhoulde do therein contrarye to all reaſon, and againſt the rules of the arte of reaſoninge which ſaiethe that *propter quod vnūquodque & illud magis*. Beſide that, I wolde faine knowe by what reaſon might a man ſaie, that they of the kinges bloudd borne owte of the allegiance of Englande, maye inherite lādes with in this realme as heires vntō

An evaſion avoided pretēdinge the priuilege of the kinges childrē not to be in reſpecte of the crovvne but of other lads.

Propter & vnū quodque & illud magis.

vnto theire Auncetours, not beinge able to inherite the crowne. Trewelie in myne opinion yt were againſt all reaſon. But on the cõtrarie ſide the verye force of reaſõ muſte driue vs to graũte the like: Yea more greate ãd ample priuilege and benefitt of the lawe in the ſucceſſiõ of the crowne. For the royall bloude where ſoeuer yt be fownde, will be taken as a præcious and ſinguler Iewell, and will carrye with yt, his worthie eſtimation ãd honour with the people, and where yt ys dewe his right with all. By the ciuill lawe the right of the inheritance of priuate perſons, ys hemmed and ynched with in the bãdes of the tenthe degree. The bloude royall ronnethe a farther race, and ſo farther race, ãd ſo farre as yt maye be fownde, where withe the greate ãd mightie cõquerers are gladde and fayne to ioyne with all, euer fearinge the weaknes of theire bloudie ſworde, in reſpecte of the greate ſtrẽgth and force of the ſame. For this cauſe was Henrie the firſte, called for his learninge ãd wiſdome Beauclerke, gladde to conſociate and cupple him ſelf with the Auncient royall bloude of the Saxones, which cõtinewinge in the princely ſucceſſiõ from worthy kinge Alured, was cutt of by the deathe of

The royall bloud beare the hyr honour withe yt, whereſoeuer yt be.

Vide Ant. Corſetũ de poteſt. & excell. regia q. 106

Cõquerers gladde to ioyne with the royall bloude.

Henrie the firſt.

the good kinge Edwarde. And by the marienge of Mathildis beinge in the fowrthe degree in liniall diſcente to the ſaide kinge Edwarde, Was reuiued and reunited. From this Edvvarde the Quene of Scottes (as vve haue before ſhewed) takethe her noble anciente petigrevve. Theis then and diuers other reaſons & cauſes moo, maie be alleaged for the vvayēge ād ſettīge forthe of the trevve meanīge & intēte of the ſaide lavve. Novve in caſe theis tyvo cauſes & cōſideratiōs vvill not ſatiſſie the adverſarie, We will adioyne ther vnto a thirde: Whiche he ſhall never by any good & honeſte ſhifte avoide, And that ys the vſe ād practiſe of the realme, alwell in the time foregoinge the ſaide ſtatute, as after vvarde. We ſtande vpon the interpretatiō of the cōmon lavve recited & declared by the ſaide ſtatute. And hovve ſhall vve better vnderſtāde vvhat the lavve ys therin, thē by the vſe and practiſe of the ſaide lavve. For the beſte interpratiō of the lawe ys cuſtome. But the realme before this ſtatute admitted to the crovvne not onlie kinges children and others of the firſt degree, but alſo of a farther degree. And ſuche as vvere plainely borne ovvte of the kinges allegiāce. The foreſaide vſe and practiſe

l. ſi ff. de le.

Cōmō vſe ād practiſe the beſte interpretation of the lavve.

ap

appearethe as vell before as sithens the time of the conqueste. Amonge other, kinge Edvvarde the cõfessour beinge destitute of a lavvfull heire vvith in this realme, sent īto Hũgarie for Edward his nepheve surnamed Owtlavve, sonne to kinge Edmunde called Irõside, after many yeares of his exile to retorne into Englãde, to the intente the saide Ovvtlavve shoulde inherite this realme: which nevertheleſſe came not to effecte, by reason the saide Ovvtlavve died before the saide kinge Edward his vncle. After vvhose deathe the saide kinge appointed Eadger Ethelīge sõne of the saide Ovvtlavve, beīge his nexte cosen ād heire, as he vvas of right, to the crovvne of Englãde. And for that the saide Eadgar, vvas then but of yõge. and tẽder yeares, ād not able to take vpõ him so greate a gouernemente, the saide kinge cõmitted the protection asvvell of the yonge Prīce, as also of the realme to Harold Earle of kente, vntill suche time as the saide Eadger had obteined perfecte age to be able to Weilde the state of a kinge. Whiche Harolde nevertheleſſe cõtrarie to the truste, supplãted the saide yõge Prince of the kingdome, ād putt the crovne vpõ his owe head. By this yt ys apparante that forrain birthe was

Eodẽ Anno Rex cũ in diebus suis ꝓcessisset Aeldredũ Vigorniẽsem Epum ad regem Hungar. trãsmittẽs, reuocauit inde filiũ frīs sui Edmũdi, Edvvardum, cũ tota familia sua vt vel ipse vel filij ei⁹ sibi succederent in regnum. Flor. hist. An. 1057.

Flor. hist. 1066. Aelred. Rhievalẽs. de regib. Anglor. ad regem Henr. 2.

not accompted of before the time of the cõqueſte, a iuſte cauſe to repell and reiecte any man, beinge of the nexte proximitie in bloude from the title of the crowne. And thowghe the ſaide kinge Edwarde the confeſſors will ād purpoſe toke not ſuche force ād effecte as he deſidered, and the lawe craued, yet the like ſucceſſiõ toke place effectuouſlie in kinge Stephē and kinge Henrie the ſeconde, as we haue alredie declared. Neither will the aduerſaries ſhifte of forriners borne of father and mother which be not of the kinges alleageance, helpe him: For as muche as this clawſe of the ſaide ſtatute ys not to be applied to the kinges childrē, but to others, as appearethe in the ſame ſtatute. And theis two kinges Stephen, and Henrie the ſeconde, as they vvere borne in a forraine place, ſo theire fathers and mothers vvere not of the kinges alleageance, but mere aliens and ſtrangers. And hovve fonde, notoriouſe a vaine thinge yt ys, that the aduerſarie vvolde perſvvade vs, that the ſaide kinge Henrie the ſecõde rather came in by force of a compoſition, then by the proximitie and nearenes of bloude: I leaue yt to everie man to conſider that hath any manner of fealinge in the diſcourſe of the

Kinge Stephen and k. H. 2.

The adverſaries ſeamed by imaginatiõ that kinge Hẽry the 2 ſhoulde come to the crowne by compoſitiõ ād not by proximitie of bloude.

ſtories

ſtories of this realme: The compoſition did procure him quietnes ād reſte for the time, vvith a good and ſuer hope of quiet ād peaceable entrāce alſo after the death of kinge Stephē: And ſo yt followved in deede, but there grevve to him no more right thereby thē was duë to him before, for he was the trewe heire to the crowne, as appearethe by Stephen his aduerſaries ovvne confeſſion. Henrie the firſte married his davvghter Mathildie to Henrie the Emperour, by vvhom he had no children: And no dovvbte in caſe ſhe had any children by the Emperour, they ſhoud haue bene heires by ſucceſſion to the crovvne of Englāde. After vvhoſe deathe ſhe retorned to her father, yet did kinge Hēry cauſe all the nobilitie by an expreſſe othe to embrace her after his deathe as Quene, and after her, her children. Not longe after ſhe vvas Married to Geffrey Plantagenet a Frencheman borne, Erle of Anievve, vvho begatt of her this Henrie the ſeconde beinge in France. Where vpō the ſaide kinge did reuiue ād renevve the like othe of allegeāce aſvvell to her as to her ſonne after her. Withe the like falſe perſvvaſion the aduerſarie abuſethe him

olid.

*Rex Stephanꝰ cū herede viduatus ſpter ſolummodo ducē Henricū recognouit in cōuētu epiſcoporū, & aliorū de regno optimatū, ꝙ dux Hē. ius hereditariū in regnū Angliæ habebat, & dux benigne conceſſit, vt Rex Stephanus tota vita ſua ſuū regnū pacifice poſſideret. Ita tamē cōfirmatū eſt pactū qđ ipſe rex & ipſi tunc ꝓſētes cū cæterisregni optimatibus inirarēt, qđ dux H. poſt mortē regis ſi illū ſuperuiueret, regnū ſine a-

liqua contradictione obtineret.

Flores hiſtoriarum. an. 1153.

ſelf and his Reader towchinge Arthur Duke of Britanie, nephewe to kinge Richarde the firſte. As thowghe for lowthe he were iuſtlie excluded by kinge Iohñ his vncle by cauſe he was a forrainer borne. Yf he had ſayed that he was excluded by reaſon the vncle owght to be preferred before the nepheyve: thovvghe yt ſhoulde haue bene a falſe allegation and plaine againſt the rules of the lavves of this realme (as maye vvell appeare amõge other thinges by kinge Richard the ſecõd who ſucceded his grandfather kinge Edwatde the thirde, which Richarde had diuers worthy ãd noble vncles, who neither for lacke of knowledge coulde be ignorãte of their right, neither for lacke of Frendes, cowrage, ãd power, be enforced to forbeare to chalẽge theire title ãd intereſte) yet ſhoulde he haue had ſome countenance of reaſon ãd ꝓbabilitye, by cauſe many argumẽtes, ãd the authoritie of many learned ãd notable ciuiliãs do cõcurre for the vncles right before the nephewe. But to make the place, of the natiuitie of an inheritour to a kingdome a ſufficient barre againſt the right of his bloude, yt ſeameth to haue but a weake and ſlender holde

The like fõde imagination towchynge k. Richhn nephewe

Diuerſitie of opiniõs towchinge the vncle ãd nephewe whether of them ovvght to be preferred in the royall gouernemẽt.

Polid.

holde and grovvnde: And in our caſe yt ys a moſte vnſure and falſe grownde, ſeinge yt ys moſte trewe that kinge Richarde the firſte (as vwe haue ſaide) declared the ſaide Arthur botne in Britanye, and not ſonne of a kinge, but his brother Geffreys ſonne Duke of Britanye heire apparente, his vncle Iohñ yet liuinge, and for ſuche a one ys he taken in all our ſtories, and for ſuche a one did all the vvorlde take him after the ſaide kinge Richarde his deathe. Neither vvas kinge Iohñ taken for other, then for an vſurper, by excludinge him, and afterwarde for a murtherer for impriſoninge him, and priuelie makinge him awaye. For the vvhiche facte the Frenche kinge ſeaſed vpon all the goodlie contreies in France belonginge to the kinge of Englande, as forfeited to him beinge the cheif lorde. By this ovvtragiouſe deede of kinge Iohñ vve loſte Normandie vvith all, and our poſſibilitie to the inheritance of all Britanie, the right and title to the ſaide Britanie beinge devve to the ſaide Arthur and his heires, by the right of his mother Conſtance. And thovvghe the ſaide kinge Iohñ by the practiſe and ambitiõ of

Flores hiſ. an. 1190.

The poſſeſſiõs of the crowne of Englande that were beyõde the ſeas ſeaſed into the Frenche kiñgs handes for the murtherof Arthur.

Quene Elenour hys mother, ād by the ſpe-
ciall procuremente of Huberte then Arch-
buſshoppe of Caunterburie, and of ſome
other factious perſons in Englande, preven
tid the ſaide Arthur his nephewe (as yt was
eaſie for hym to do, havinge gotten into
his handes all hys brother Richardes trea-
ſure, beſides many other rentes then in En-
glande, And the ſaide Arthur beinge an en-
fante, and remayninge beyonde the ſea in
the cuſtodie of the ſaide Conſtance) Yet of
this facte, beinge againſte all iuſtice, aſwell
the ſaide Archebuſshoppe, as alſo manie of
the other, did after moſte earneſtlie repen-
te, conſideringe the crewell and the vniuſte
puttinge to deathe of the ſaide Arthur pro-
cured, and after ſome authours, comytted,
by the ſaide Iohñ hym ſelf: Which moſte
fowle and ſhamefull acte the ſaide Iohñ
neaded not to have comitted, yf by forraine
birthe the ſaide Arthur had bene barred to
inherite the crowne of Englād. And mu-
che leſſe to have impriſoned that moſte in-
nocente ladie Elenour Siſter to the ſaide
Arthur in Briſtowe caſtle, where ſhe miſe-
rablie ended her life. Yf that gaye Maxime
wolde have ſerued to have excluded theis
two children, by cawſe theye were ſtrāgers
borne

Pōlid. lib. 15. Flor. hiſtor. an. 1208.

borne in the parteis beyonde the ſeas. Yea yt appearethe in other doinges alſo of the ſaide time, and by the ſtorie of the ſaide Iohñ, that the birthe owte of the legeance of Englande by father ād mother forraine, was not taken for a ſufficient repulſe and reiection to the right and title of the crowne. For the Barones of Englād beinge then at diſſention with the ſaide kinge Iohñ, & renowncinge their allegeance to hym, receaued Lewes the eldeſte Sonne of Phillippe the frenche kinge, to be theire kinge in the right of Blanche his wife, which was a ſtranger borne, Albeit the lawfull nece of the ſaide Richard, and dawghter to Alphōs kinge of caſtill, begotten on the bodie of Elenour hys wife one of the dawghters of kinge Henrye the ſeconde, and ſiſter to the ſaide kinge Richarde and kinge Iohñ. Whiche ſtorie I alleage onlie to this purpoſe, thereby to gather the opinion of the time that forraine birthe was then thowght no barre in the title of the crowne. For otherwiſe howe coulde Lewes of France† pretende title to the crowne in the right of the ſaide Blanche hys wife beinge borne in Spaine. Theis exāples are ſufficiēte I ſuppoſe, to ſatiſfie and contente any man that ys

* Levves the frāche kinges ſonne claimed the crovne of this realme ī the title of his vvife.

† Pro hęreditate vxoris iure ſcilicet neptis Reg Io. vſque ad mortem ſi neceſſitas exigeret decertabo.

not

Flores hiſto. An.1216.

not obſtinatelie vvedded to his ovvne fonde fantaſies and frovvarde friuoulous imaginations, or otherwiſe worſe depraued for a good ſuer ād ſubſtanciall interptation of the cōmon lawe. And yt were not altogether frō the purpoſe here to cōſider ād weighe, with what ād howe greuouſe plagues this realme hath bene ofte afflicted ād ſcowrged by reaſon of wrōgfull ād vſurped titles. I will not reuiue by odiouſe rehearſhall the greatnes ād nōber of the ſame plagues, aſwell otherwiſe, as eſpeciallie by the contentiō of the noble howſes ād famelies of yorke ād Lācaſter: Seinge yt ys ſo fortunatelie and almoſte with in mās remēbrāce extīct ād buried. I will nowe putt the gentle Reader in remēbrāce of thoſe onlie with whoſe vſurpinge titles we are nowe p̄ſentlie in *hād*e. And to begīne with the moſte auncient, what became I praye you of Harolde that by briberie ād helpe of his kīred vſurped the crowne againſt the foreſaide yonge Eadgar (as I haue ſaide) ād as *the* olde numērs of our hiſtoriopraphers do plainlie teſtifie, was the trewe ād lawful heire. Coulde he thincke you enioye his ambitiouſe ād nawghtie vſurpinge one whole

Harold' munerib' & genore fret' regni diadema inuaſit. Hēr. Hunt. hiſto. Angliæ. li. 6.

Cui regnum iure hereditario, debebatur. Ealredus Rieuall. in hiſt. R. Angl. ad H. 2.

Cui de iure debebat' regnū

and

ād ētier yeare? No ſuerlie eare the firſt yeare of his vſurped reigne turned aboute, he was ſpoyled ād turned owt bothe of crovne ād† his lief with all. Yea his vſurpatiō occaſiōed the cōqueſte of the whole realme by williā Duke of Normādie baſtarde Sonne to Roberte the ſixte duke of the ſame. And maye we thincke all ſaufe ād ſownde nowe from like danger, yf vve ſhoulde treade the ſaide vvrōge ſteppes vvithe Harolde, forſakinge the right ād highe vvaye of lavve ād iuſtice? What ſhall I nowe ſpeake of the crevvell ād ciuill vvarres betvvene kinge Stephen and kinge Hēnie the ſecōde, Which vvarres roſe by reaſō the ſaide Hēry vvas vniuſtlie kepte frō the crovne devē to his mother mavvde, ād to him aftervvardes. The petifull reigne of the ſaide Iohñ vvho doth not lamente vvith the lamentable loſſe of Normandie, Aquitanie, and the poſſibilitie of the Dukedome of Britanie, ād vvith the loſſe of our other goodlie poſſeſſions in Fraunce? Wherof the crovvne of Englande vvas robbed and ſpoiled by the vnlavvfull vſurpinge of him againſte his nephevve Arthur. Well, let vs leaue theys greauouſe and lothſome remembrances, and lett vs yet ſeake yf vve maye fynde any later interpretation either of Iohñ.

gnū Anglorū. Io. lōd. in chronic. Angliæ.

Eadē verba ſunt in Mat. vveſtmo. ī flor. hiſt Anno. 1066.

† Rex Edvvard' miſit &c. Vt vel ipſe Edvvard' vel filię ei' ſibi ſuccederēt &c. Rith. Ciceſt. vid vvil. Malmeſb. de regi. Ang. l. 2. c. 45. l. 3. cap. 5.

What calamities fell to this realme by the vſurpīg of kinge Harrold K. Stephen and

of the ſaide ſtatute, or rather of the cõmon lavve for our purpoſe. And lõ the greate goodnes and ꝓuidence of God, vvho hathe (yf the foreſaide exãples wolde not ſerue) prouided a later, but ſo good, ſo ſure, ſo apte and mete interpretation for our cauſe, as any reaſonable harte maye deſier. The interpretation directlie tovvchethe our caſe, vvhiche I meane by the mariage of the Ladye Margaret eldeſt davvghter to kinge Hẽrie the ſeavẽthe, vnto Iames the fowrthe, kinge of Scotlande, and by the opinion of the ſaide moſt prudente Prince in beſtowinge his ſaide dawghter into Scotlande: A matter ſufficiẽt inoughe to ouerthrowe all thoſe cauellinge inuentions of the aduerſarie. For what time kinge Iames the fowerth ſente his ambaſſadour to kinge Henrie the ſeauenthe to obteine his good vvill to eſ-
Polid. 26. pouſe the ſaide Ladie Margaret, there were of his counſaile not ignorante of the lawes and cuſtomes of the realme, that did not vvell like vppon the ſaide mariage, ſayenge yt might ſo fall ovvte, that the right ãd title of the crovvne might be deuolued to the Ladie Margaret and her children: And the realme thereby might be ſubiecte to Scotlande. To the vvhich the prudente and wiſe

Kinge H. vvith his cownſaile ys a good interptour of our preſent cauſe.

kinge

kinge anſvvered, that in caſe any ſuche de-
uolution ſhoulde happen, yt vvolde be no-
thinge preiudiciall to Englande: For En-
glande as the cheif and principall and wor-
thieſte parte of the Iſle, ſhoulde drawe Scot
lande to yt, as yt did Normandie from the
time of the cõqueſte: vvhiche anſvvere was
vvonderfullie vvell liked of all the coun-
ſaile. And ſo cõſequentlie the mariage toke
effecte, as appearethe by Polidor the hiſto-
riogropher of this realme: And ſuche a one
as vvrote the actes of the time by the in-
ſtructiõ of the kinge him ſelf. I ſaye thẽ the
vviſe worthy Salomõ foreſeinge that ſuche
deuolutiõ might happen, was an interpreta-
tour with his prudent and ſage conſayle for
our cauſe, for eles they neaded not to reaſõ
of any ſuche ſubiection to Scotlande. Yf
the children of the Ladye Margaret might
not lavvfullie inherite the crovvne of En-
glande: For as to her huſbande vve coulde
not be ſubiecte, hauinge him ſelf no right
by this mariage to the title of the crovvne
of this realme. Where vpon I maye well in-
ferre that the ſaide nevve maxime of theis
men (whereby they wolde rule and ouer
rule the ſucceſſion of Princes) was not
knowen to the ſaide wiſe kinge, neither to

any

any of his counſaile: Or yf yt were, yet was yt taken not to reache to hys bloudd royall borne in Scotlande. And ſo on everie ſide the title of Quene Marye ys aſſuerid: So that nowe by this that we haue ſaide, yt maye eaſelie be ſeen, by what light and ſklender conſideration, the adverſarie hathe gone abowte to ſtraine the wordes, Enfants or childrē to the firſt degre onlie. Of the like weight ys his other conſideration, imageninge ād ſurmiſinge this ſtatute to be made bycawſe the kinge had ſo manye occaſions to be ſo often over the ſea vvith his ſpowſe the Quene. As thowghe diuers kinges before him vſed not often to paſſe over the ſeas? As thowghe this were a perſonall ſtatute made of ſpeciall purpoſe, and not to be taken as a declaration of the cōmon lawe: Whiche to ſaie ys moſte directlie repugnāte and contrarious to the letter of the ſaide ſtatute: Or as thowghe his children alſo did not verie often repayre to owtewarde contreies, as Iohn of Gawnte Duke of Lancaſter, that Maried Peters the kinge of caſtilles eldeſt dawghter, by whoſe right he claimed the crovne of caſtill, as his brother Edmunde, Erle of camebridge that maried the yongeſte dawghter, as lionell Duke

Polid. Polychr. Froſerd.

The maryages of k. E. 3. ſones.

of

of clarence that maried at Millain Violane Dawghter and heire to Galiatius Duke of Millan, But eſpeciallie Prince Edwarde whiche moſt victorioufſlie toke in battaile Iohñ the Frenche kinge, and browght hym into Englande his priſoner to the greate triumphe and reioicinge of the realme, whoſe eldeſt ſonne Edwarde that died in ſhorte time after, was borne beyonde the ſeas in Gaſcoigne, and his other ſonne Richarde that ſucceded hys grandfather was borne at Burdeauxe. As theis noble kinge Edwardes ſonnes Married withe forrainers: So did theye giue ovvte theire dawghters in Mariage to forraine Princes. As the Duke of Lancaſter his dawghter Philippe to the kinge of Portingale, and his dawghter Katherin to the Kinge of Spaine, And his nece Iohã dawghter to his ſonne Erle of Somerſett was ioined in mariage to the Kinge of Scottes, Iohã dawghter to his brother Thomas of Wodſtocke Duke of Glõceſter was Quene of Spaine, And his other dawghter Marie Duches of Bretaigne. Nowe by thys mans interpretation none of the iſſewe of all theis noble womẽ, coulde have enioyed the crowne of Englande, whẽ yt had fallen

to

to them (thowghe they had bene of the neareste royall bloudd) after the deathe of theire Aunceſters. Which ſuerlie had bene againſt the aunciente preſidentes and examples that we have declared, and againſt the cõmon lawe, The which muſt not be thowght by this ſtatute any thinge taken awaye, but onlie declared, and againſt all good reaſon alſo. For as we wolde haue thowght this realme greatelie iniured yf yt had bene defrawded of Spaine or any of the foreſaide contreies, beinge devolued to the ſame by the foreſaide mariages, As we thincke our ſelf at this daie iniured for the with holdinge of France: ſo the iſſewe of the foreſaide noble womẽ might ãd wolde have thowght them hardly and iniuriouſlie handled, yf any ſuche caſe had happened. Neither ſuche friveloufe interpretation & gloſes, as this man nowe framethe and makethe vpon the ſtatute, Wolde then haue ſerved, nor nowe will ſerve. But of all other hys friveloufe and foliſhe gheſſinge vpon the cauſe of the ſtatute for Enfans du Roy, there vs one moſte fõde of all, for he wolde make vs beleave, ſuche ys the más ſkyll, that this ſtatute towchinge Enfants du Roy, was made for the greate bowbte

A fõde imaginatiõ of the adꝟſarie of the ſtatute 25. E. 3.

more

more in them then in other perſõs tovvchinge theire inheritãce to theire Aunceſters. For beinge then a maxime (ſaieth he) in the lavve, that none coulde inherite to his Aunceſters, beinge not of father ãd mother vnder the obedience of the kinge: ſeinge the kinge him ſelf coulde not be vnder the obediẽce, yt plainlie ſeamed that the kinges childrẽ vvere of farre vvorſe conditiõ then others, and quite excluded. And therefore he ſayethe that this ſtatute vvas not to geue them any other priuilege, but to make thẽ equall vvith other. And that therefore this ſtatute tovvchinge the kinges children, ys rather in the ſuperficiall parte of the vvorde then in effecte. Nowe amõge other thinges he ſaiethe (as vve haue ſhevved before) that this vvorde Enfants du Roy in this ſtatute mentioned, muſte be taken for the childrẽ of the firſt degree, Whiche he ſeamethe to proue by an note taken ovvte of maiſtre Raſtall. But to this vve anſvvere that this man ſvvetly dreamed, vvhen he imagined this fonde and fantaſticall expoſition: And that he ſhevvethe him ſelfe a verie Infante in lawe and reaſõ: For this was no Maxime, or at leaſte not ſo certaine before the makinge of this ſtatute, vvhiche geauethe no

There was no doubte made off the kinges children borne beyonde the ſeas.

nevve right to the kinges children, nor anſwerethe any dowbte towchinge them and theire inheritance: But ſaiethe that the lawe of the crovvne of Englande ys and alwayes hathe bene, vvhich lavve ſayethe the kinge, ſaye the lordes, ſaye the cómons, we allowe and affirme for euer, that the kinges children ſhalbe hable to inherite the landes of theire Aunceſters, vvhere ſo euer they be borne. All the dovvbte vvas for other perſons, as appearethe euidétlie by the tenour of the Statute, vvhether by the cómó lavve (they beinge borne ovvte of the allegeáce) vvhere heritable to theire Aunceſters. And yt appearethe that the aduerſarie ys driuen to the harde vvall, vvhen he ys fayne to catche holde vpon a ſelye poore marginall note of Maiſtre Raſtall, of the kinges children, and not of the kinges childres children. Whiche yet nothinge at all ſeruethe his purpoſe towchinge this Statute. But he or the printer, or who ſoeuer he be, As he draweth ovvte of the texte manye other notes of the matter therein compriſed: So vpon theis frenche vvordes *Les Enfants du Roy*, he noteth in the margente the kinges children: But howe farre that vvorde reachethe he ſayethe neither more nor leſſe:

Nei-

Neither yt ys any thinge preiudiciall to the ſaide Quenes right or title. Whether the ſaide vvordes Infantes owght to be taken ſtrikelie for the firſt degree, or farther enlarged. For yf this ſtatute rowchethe onlie the ſucceſſiō of the kinges childrē to theire Aunceſters for other inheritāce, ād not for the crowne (as moſte men take yt) ād as yt maye be as we have ſaide verye well taken and allowed: Then doth this ſuppoſed Maxime of forraine borne, that ſeameth to be gathered owte of this ſtatute nothinge anoye or hinder the Quene of Scottes title to the crowne, as not ther to appteininge. On the other ſide if by the inheritāce of the kinges childrē, the crowne alſo ys mēte, yet neither maye we ēforce the rule of forraine borne, vpō the kinges childrē, Which are by the expreſſe wordes ī the Statute excepted: Neither īforce the worde Enfās to the firſt degree only: For ſuche reaſōs, preſidētes, ād exāples, ād other puffes largely by vs before ſet forthe to the cōtrarie. Seīg that the right of the crovne fallinge vpō them, they maye well be called the kīges childrē, or at leaſte childrē of the crowne. There ys alſo one other cauſe why, thoughe this Statute reache to the crowne, ād maye ād owght to be expounded

Thys ſtatute towchethe not the Quene of Scottes as one not borne beyonde the ſeas.

ded of the same, the saide Quene ys owte of the reache and compasse of the saide statute. For the saide statute can not be vnderstãded of any persons borne in Scotlãde or wales, but onlie of persons borne beyõde the sea owte of the allegeance of the kinge of Englande: That ys to witt France, Flawnders and suche like: For Englande, Scotlãde, and wales be all within one territorie, and not devided by any sea. And all olde recordes of the lawe concerninge seruice to be done ĩ those two contreyes, haue theys vvordes *Infra quatuor maria*, within the fower seas, which must nedes be vnderstande in Scotlande and vvales, asvvell as in Englande, by cavvse they be all with in one continente, compassed vvithe fower seas. And likevvise be manye Anciente statutes of this realme written in the Norman frenche, Whiche have theis vvordes *Deins les quatre mers*, that ys vvithin the fower seas. Now concerninge this statute, the title of the same ys, of those that are borne beyõde the sea, the dowbte moved in the corps of the saide Statute, ys also of children borne beyonde the sea owte of the alleageance, with diuers other branches of the Statute tendinge that vvaye. Whereby yt seamethe

that

that no parte of the Statute tovchethe theis that are borne in wales or Scotlande. And albeyt at this time, and before in the reigne of Edwarde the firſte, wales vvas fullie reduced, anexed, ād vnyted to the proper dominion of Englande: yet was yt before ſubiected to the crowne and kinge of Englande, as to the lorde and Seignour, aſwell as Scotlande. Wherefore yf this Statute had bene made before the time of the ſaide Edwarde the firſte, yt ſeamethe that yt coulde not haue bene ſtretched to wales, no more then yt can novve to Scotlande. I do not therefore a litke marvaile, that ever this man for pure ſhame coulde finde in his harte ſo childiſhelie to wrangle vppon this vvorde Enfants, and ſo openlie to detorte, deprave, and corrupte the common lawe and the actes of parliamente. And thus maye you ſee, gentle Reader, that nothinge can be gathered eyther ovvte of the ſaide ſuppoſed generall rule or Maxime, or of any other rule or principle of the lawe, that by any good and reaſonable conſtruction can ſeame to impugne the title of the ſaide Ladye Marye nowe Quene of Scottes, of and to the crowne of this realme of Englande, as ys aforeſaide.

Vide ſtatuta vvallie in magna carta.

Vvales vvas vnder the alegeãce of Englande before yt vvas vnited to the cronve.

We are therefore nowe laſte of all to conſider, Whether there be any ſtatute or acte of parliamente, that dothe ſeame either to take awaye or preiudice the title of the ſaide Ladie Marie. And by cauſe touchinge the foreſaide mentionedd Statute of the 25. yeare of kinge Edvvarde the thirde, beinge onlie a declaration of the common lavve, we haue alredie ſufficiētlie anſwered, We will paſſe yt over, and conſider vpon the Statute of 28. & 36. of kinge Henry the eight, beinge the onlie ſhoteanker of all the adverſaries, Whether there be any matter therein conteined or dependinge vpon the ſame, that can by any meanes deſtroye or hurte the title of the ſaide Ladie Marie Quene of Scotlande to the ſucceſſion of the crovvne of Englande. Yt dothe appeare by the ſaide Statute of 28. of kinge Hēry the eight, that there was aucthorie geaven him by the ſame to declare, limitte, appointe, and aſſigne the ſucceſſion of the crowne by hys lettres patentes, or by hys laſte will ſigned with his owne hande. Yt appearethe alſo by the foreſaide Statute made 35. of the ſaide kinge, that yt vvas by the ſame enacted, that the crowne of this realme ſhoulde goe and be to the ſaide kinge

The ſtatutes of kīge H. 8. towchinge the ſucceſſion of the crovvne.

kinge and to the heires of his bodie lawfullie begotten, that ys to ſaye, vnto hys hyghnes firſte ſonne of his bodie betwene him and the Ladie Iane then hys vvife, begotten: and for defaulte of ſuche iſſewe, then vnto the Ladie Marie his dawghter, and to the heires of her bodie lawfullie begotten. And for defaulte of ſuche iſſewe, thē vnto the Ladie Elizabeth his dawghter our Souereigne Ladie the Quenes Maieſtie that nowe ys, and to the heires of her Maieſties Bodie Lawfullie begotten. And for defaulte of ſuche iſſewe, vnto ſuche perſon or pſons in remaynder or reverſiō, as ſhoulde pleaſe our late Sovereigne Lorde kinge Henrie the eight, and accordinge to ſuche eſtate, and after ſuche manner, order, and cōdition, as ſhoulde be expreſſed, declared, named and limited in his highnes lettres patentes, or by his laſte will in vvritinge, ſeigned vvith his owne hande. By vertue of whiche ſaide acte of parliamente the aduerſaries do alleage, that the ſaide late kīge Hēnie the eight afterwarde by his laſte will in writīge ſigned with hys owne hāde, did ordaine and appointe, that yf yt happen the ſaide Prince Edwarde, Ladie Marye, and Ladie Elizabethe to dye withowte iſſewe of

theire bodies lavvfullie begotten, then the crovvne of this realme of Engláde, ſhoulde goo and remayne vnto the heires of the bodie of the Ladie Fraunces his nece, and the eldeſte davvghter of the Franche Quene. And for defaulte of ſuche iſſevve to the heires of the bodie of the Ladie Elenour his neece ſeconde dawghter to the Frenche Quene lavvfullie begotten. And yf yt happened the ſaide Ladye Elenour to die withovvte iſſevve of her bodye lawfullie begotten, to remaine and come to the next rightfull heires. Wher vpon the aduerſaries do inferre, that the ſucceſſion of the crovvne ovvght to goo to the children of the ſaide Ladie Frances, and to theire heires accordinge to the ſaide ſuppoſed vvill of our late Souereigne Lorde kinge Henrie the eight: And not vnto the Ladie Marie Quene of Scottes that novve ys. To this yt ys on the behalf of the ſaide Ladie Marie Quene of Scotlande amonge other thinges aſvvered, that kinge Henrie the eight neuer ſigned the pretenſed vvill vvith his owne hande: And that therefore the ſaide vvill can not be any whitte p̄iudiciall to the ſaide Quene. Againſt vvhiche anſvvere for the defence and vpholdinge of the ſaide vvill, yt ys replied

An ānſwere to the foreſaide ſtatutes.

plied by the aduersaries, Firste that there vvere diuers copies of his vvill fovvnde signed with his owne hande, or at the leaste wise enterlined, and some for the moste pte vvritte̅ withe his owne hande: Owte of the vvhich yt ys likelie that the originall vvill cō̄onlie called kinge Henrie the eightes will was taken, ād fayer drawē owte. Then that there be greate ād vehemēte presumptions, that for the fatherlie loue that he bare to the common vvealthe, and for the auoidinge of the vncertentie of the succession, he vvell liked vpon and accepted the auctoritie geauen him by parliament, and signed with his owne hande the saide originall vvill, which had the saide limitation ād assignatiō of the crowne. And theis presumptions are the more enforced, for that he had no cause vvhie he shoulde beare any affectiō either to the saide Quene of Scotlād, or to the Ladie Lenneux: And hauinge with all no cause to be greaued or offended vvithe his sisters the frenche Quenes children, But to putt the matter quite owte of all ambiguitie and dowbte. Yt appearethe (they saye) that there were eleuen witnesses purposelie calledd by the kinge, who were presente at the signinge of the saide will, ād sub-

The effecte of the aduersaries Argumētes for the exclusion of the Q. of Scots by a ptensed will of kin. H. 8.

ſubſcribed theire names to the ſame. Yea the cheif lordes of the coũſaile were made ād appointed executours of the ſaide will: And they ād other had greate legaties geauē thē in the ſaide will, vvhich vvere paide, and other thinges cōpriſed in the vvill accōpliſshed accordinglie. There paſſed alſo purchaſes ād lettres patētes berwene kinge Edwarde and the executours of the ſaide vvill and others, for the execution and performance of the ſame. Finallie the ſaide teſtamente was recorded in the chauncerie. Wherefore they affirme that there owght no manner of dowbte move any mā to the cōtrarie. And that either we muſte graunte this will to be ſigned vvith his hāde, or that he made no vvill at all: Bothe muſte be grāted, or bothe denied. Yf any will denye yt in caſe he be one of the vvitneſſes, he ſhall impugne his owne teſtimony: Yf he be one of the executours, he ſhall ouerthrowe the fowndation of all his doinges, in ꝓcuringe the ſaide will to be inrolled, and ſett forthe vnder the greate ſeale. And ſo by theyr dubblenes they ſhall make thē ſelues no mete witneſſes. Nowe a mā can not ligthlie imagine how any other beſids theis two kīdes of witneſſes (for ſome of thē, ād of the executours

cutours were ſuche as were cõtinually waytinge vpõ the kinges pſon) maye impugne this will, and proue that the kinge did not ſigne the ſame, but yf anie ſuche impugne the laide will, Yt vvolde be cõſidered howe manye they are, ãd vvhat theire are: And yt wilbe verye harde to proue *Negatiuam facte*. But yt ys euidẽte ſaye theye, that there was neuer any ſuche lawfull prouffe againſte the laide will ꝓducted. For yf yt had bene, yt wolde haue bene publiſſhed in the ſtarre chamber, preached at Pawles croſſe, declared by acte of parliamente, proclaymed in euerie quarter of the realme. Yea admittinge ſaye they, that yt were proued that the laide pretenſed will lacked the kinges hãde, yet neuertheleſſe ſaye they, the verye copies we haue ſpoken of, beinge writtẽ & ſigned, or at leaſte interlined with his owne hande, maye be ſaide a ſufficiente ſigninge with his owne hande. For ſeinge the ſcope and finall purpoſe of the ſtatute vvas, to haue the ſucceſſion prouided for, and aſſerteined, which ys ſufficientlie done in the laide vvill: And ſeinge his owvne hande was required, but onlie for eſchevvinge euill ãd ſiniſter dealinge, vvherof there is no ſuſpition in this vvill to be gathered: What matter in the vvorlde, or vvhat differẽce ys

rhete

there, When the kinge fulfilled and accompliſhed this gratious acte; that was loked for at his handes, Whether he ſigned the will vvith his ovvne hande or no. Yfyt be obiected that the kinge was obliged and bovvnde to a certaine preciſe order and forme, vvhiche he coulde in no vviſe ſhifte, but that the acte withoute yt muſte periſhe, and be of no valewe, Then ſaie they, we vndoe vvhole pliamētes, aſvvell in Quene Maries time, as in kinge Henrie the eightes time. In Quene Maries time by cawſe ſhe omitted the ſtile appointed by parliamente *Anno Henrici octaui tricesimo quinto*. In kinge Henries time by reaſon there was a Statute that the kinges will abſēte maye be geaven to an acte of parliamēt by hys lettres patētes ſigned with his hande, thowghe he be not there perſonallie. And yet did the ſaide kinge ſupplie full ofte hys conſente by the ſtampe onlie. This yet not with ſtandinge, the ſaide parliamentes for the omiſſion of formes ſo exactelie and preciſely appointed, are not diſtroied and diſanulled. After this ſort in effecte, Haue the aduerſaries replied for the defence of the ſaide pretenſed will. To this we will make our reioynder, and ſaye, Firſte that our principall matter

Ann. H. 8. 35.

Ann. H. 8. 33. 21.

An anſvvere by the vvaye of reioynder to the ſame.

ys

ys not to ioyne an iſſewe, whether the ſaide kinge made and ordeined any ſufficiente will or noo, We leaue that to an other time: But whether he made any teſtamente in ſuche order and forme as the ſtature requirethe. Wherefore yf yt be defectiue in the ſaide forme, as we affirme yt to be, were yt otherwiſe neuer ſo good and perfecte, thowghe yt were exemplified by the greate ſeale, and recorded in the chaunceric, and taken cõmonlie for his will and ſo accompliſhed, yt ys nothinge to the principall queſtion. Yt reſteth then for vs to conſider the weight of the aduerſaries preſumptions, whereby they wolde enforce a probabilitie, that the teſtamente had the foreſaide requiſite forme: yet firſte yt ys to be conſidered, what preſumptions and of what force and nomber do occurre to auoide and fruſtrate the aduerſaries preſumptions, and all other like. We ſaye then there occurre manye likelihoddes, manye preſumptions, manye greate and weightie reaſons to make vs to thincke, that as the kinge neuer had good and iuſte cauſe to mynde and entrepriſe ſuche an acte as ys pretended: So likewiſe he did entrepriſe no ſuche acte in deede. I denie not, but that there

Diuers p̃ſumptions ād reaſons agaīſt the ſuppoſed vvill.

their vvas ſuche auctoritie geauē him, neither denie but that he might alſo in ſome honorable ſorte haue practiſed the ſame to the honour ād welthe of the realme, & to the good cōtētatiō of the ſame realme. But that he had either cauſe or did exerciſe the ſaide auctho ritie in ſuche ſtrange ād diſhonorable ſorte, as ys p̄tēded, I plainlie denie. For beinge at the time of this p̄tenſed will furniſhed and adorned with iſſewe our late kīge Edward, ād ladie Marie late Quene, ād with our gra ciouſe ſouereigne Elizabeth, theire ſtate ād ſucceſſiō beinge alſo latelie by acte of pla mēte eſtabliſhed, what nede or likelyhode was there for the kinge thē to practiſe ſuch newe deuiſes, as neuer did (I ſuppoſe) any kinge in the realme before, ād fewe in any other beſide. And vvhere they vvere practi ſed comonly had infortunate and lamen table ſucceſſe. What likelihodd was there for him to practiſe ſuche deuiſes, eſpeciallie in his later dayes when wiſdome, the loue of God, and his realme ſhoulde haue bene moſt ripe in him? That were likely to ſturre vppe a greter fier of greauouſe contention and wofull diſtruction in Englande, Then euer did the deadlie factiō of the redd roſe and the white, lately by the incorporation

and

and vnio of the howſes of yorke and Lancaſter, in the pſo of his father throwghe the mariage of Ladie Elizabeth, eldeſte dawghter to kinge Edwarde the fowrth, moſt happelie extinguiſhed ad buried. And thowghe yt might be thowght or ſaide, that there wolde be no ſuche cauſe of feare, by reaſon the matter paſſed by parliamete, yet coulde not he be ignorante that nether pliametes made for Henrie the fowrthe, or continewance of two diſcentes (Which take no place in geuinge any title touchinge the crowne) in kinge Henrie the ſixte, nor parliamentes made for kinge Richarde the thirde, nor pliamentes of attaynder made againſte his father, coulde either preiudice his fathers right or releue other againſte ſuche, as pretēded iuſte right and title, And as he coulde not be ignorante therof, ſo yt ys not to be thought, that he vvolde abuſe the greate confidence putt vpon him by the parliamente, and diſherite vvith ovvte any apparente cauſe, the next royall bloude, and thincke all thinges ſuer by the colour of a pliamente. The litle force vvherof againſte the right inheritour, he had to his fathers and his ovvne ſo ample benefitt, ſo latelie and ſo largelie ſeen and felte, and yet yf he

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mynded at any time to preiudice the sayde Ladye Marie Quene of Scotlande, of all times he wolde not haue done yt then, whē all his care vvas by all possible meanes to contriue and compasse a mariage betwene his sonne Edwarde, and the saide Ladie and Quene. Suerlie he vvas to vvise of him self, and vvas furnisshed vvithe to wise counsailours to take suche an homelie vvaye to procure ād purchasse the saide mariage by. And leste of all can vve saye he attempted that disshonorable disherison, for anye speciall inclination or fauour he bare to the frēche Quene his sisters children. For there haue bene of his nere and priuie counsaile, that haue reported, that the kinge neuer had any greate likinge of the mariage of his sister vvith the Duke of Suff. Who married her firste priuelie in Fraunce, ād afterwarde openlie in Englande (and as yt ys saide) had his pardon for the same priuie mariage in vvritinge. Howe soeuer this matter goethe certaine yt ys, that yf this pretensed vvill be trewe, he transferred and transposed the reuersion of the crowne, not onlie from the Quene of Scotlande, from my Ladie Lenneux and theire issewe, but eauen from my Ladye Fraunces and my Ladie Elenour also

dawgh-

dawghters to the Frenche Quene, vvhiche ys a thinge in a manner incredible, and therefore nothinge likelie. I muste novve gentle reader putt the in remembrance of two other moste pregnante and notable coniectures and presumptions, for amonge all other inconueniences and absurdities that doe and maye accompanye this rashe and vnaduised acte by thys pretensed vvill incõsiderately maintained, yt ys principallie to be noted, that this acte geuethe apparẽte and iuste occasion of perpetuall disherison of the stile and title of Fraunce incorporated ād vnited to the crowne of this realme. For vvhereby do or haue the Frenche men hitherto excluded the kinges of this realme claymenge the crowne of Frãce by the title of Edvvarde the thirde, fallinge vpon hym by the right of his mother, then by a pohtike and ciuill lavve of theire ovvne, that barrethe the female from the right of the crovvne? And vvhat dothe this pretensed acte of kinge Henrie, but iustifiethe and strengtheneth theire quarell, and ouerthrowethe the fowndation and bulworke, vvhereby vve mainteine our foresaide title and clayme? Yf we maye by our Municipall lavve exclude the saide Quene of Scotlãde,

The supposed vvyll ys pindicial to the crowne of Englande for the clayme of the crovvne of France.

beynge called to this crovvne by the title of generall heritage. Then ys theire municipall lawe likewiſe good and effectuall, ād conſequentlie we do and haue made all this while an vniuſte and wrongfull clayme to the crowne of Fraunce. But nowe to goe ſomewhat farther in the matter, or rather to come nerer home and to the quicke of the matter, we ſaye as there was ſome apparente ād good cauſe whie the kinge ſhoulde the twentie and eight yere of his reygne thyncke vpon ſome limitatiō and appointmente of the crowne (kinge Edwarde as yet vnborne) ſo after he was borne, and that the title and intereſte of the reuerſion of the crowne after him was the thirtie and fifte yeare by parlamente confirmed to the late Quene Marie, and our gratiouſe Souereigne Elizabethe: Yt ys not to be thowght that hewolde afterwarde ieperde ſo greate a matter by a teſtamente and vvill, vvhiche maye eaſelie be altered and counterfeited. And leaſte of all make ſuche aſſignation of the crowne, as ys nowe pretended. For beinge a Prince of ſuche wiſdome and experience he coulde not be ignorante, that this was the nexte and redieſte waye to putt the ſtate, at leaſte of bothe his dawghters

to greate perill and vtter diſheriſon. For the kinges example and boldnes in interruptinge and cuttinge awaye ſo manye branches of the nereſte ſyde & line, might ſone brede in aſpiringe and ambitious hartes a bolde and wicked attempte, the vvaye beinge ſo farre browght in and prepared to theire handes by the kinge him ſelf, and theire natures ſo redie and prone to followe euill preſidentes, and to clime highe by ſome colorable meanes or other, to ſpoile and depriue the ſaide dawghters of theyre right of the crowne, that ſhoulde diſcende and fall vpon them: And to conuey the ſame to the heires of the ſaide Ladye Fraunces. And did not, I praye you this drifte & deuiſe fall owte eauen ſo, tendinge to the vtter excluſion of the late Quene Marie, and our gratious Souereigne Elizabethe: Yf God had not of his greate mercie moſte gratiouſlie and wonderfullie repreſſed & ouerthroune the ſame? Theis reaſons then and p̄ſumptions maye ſeame well hable & ſufficiēte to beare dovne, to breake ād ouerthrowe the weke ād ſlēder p̄ſumptions of the aduerſaries, grownded vpō vncertaine and mere ſurmiſes, gheſſes, and cōiectures, as amonge other, that the kinge

This ſuppoſed will geaue the occaſion of ambitious aſpiringe.

vvas offended vvith the Quene of Scotlãde and vvith the ladye Lenneux: vvhich ys not trevve. And as for the ladye Lenneux, yt hathe no manner of ꝓbabilitie: As yt hathe not in deede in the ſaide Quene. And yf yt had, yet yt ys as probable and muche more probable, that the kinge vvolde haue eſpeciallie at that time, for ſuche cavvſe as vve haue declared, ſuppreſſed the ſame diſpleaſure. Graũtinge nowe that there were ſome ſuche diſpleaſure, vvas yt honorable either for the kinge or the realme, or vvas yt thincke ye euer thovvght by the parliamẽt that the kinge ſhoulde diſherite them for euerie light diſpleaſure? And yf as the aduerſaries confeſſe the kinge had no cavvſe to be offended vvith the Frenche Quenes children, vvhy did he diſherite the Ladye Fraunces, ãd the Ladye Elenour alſo? Theire other preſumption vvhich they grownde vpon the auoydinge of the vncertaintie of the ſucceſſion by reaſon of his vvill, ys of ſmall force, and rather turnethe againſte them: For yt ys ſo farre of, that by this meanes the ſucceſſion ys made more certaine and ſuer, that contrarie vviſe yt ys ſubiecte to more vncertemtie ãd to leſſe ſuertie then before. For vvhere as before the right and

The ſucceſſion to the croune ys more vncertaine by the ſuppoſed will then before.

claime.

claime to the crovvne honge vpon ordinarie and certaine covvrſe of common lavve, vpon the certaine and aſſuerid right of the royall and vnſpotted bloude: Yea vpon the verie lavve of nature (vvhereby manye inconueniences, manye troubles, dangers ād ſeditions are in all contreyes politikelie avoided), So nowe dependinge vpon ſtatute onlie, yt ys as eaſie by an other ſtature to be infringed and ouerthrovvne: And dependinge vpon a teſtamēte, ys ſubiect to manye corruptiōs, ſiniſter dealinges, cauillacions, yea and iuſte ouerthrovves by the diſhability of the teſtatour, vvitneſſes, or the legatorie him ſelf, or for lacke of dewe order to be obſerued, or by the deathe of the vvitneſſes vnexamined, ād for many other like conſiderations. The monumentes of all antiquitie, the memorie of all ages, and of our ovvne age, and daylie experience can tell ād ſhevve vs manye lamentable examples of manye a good and lavvfull teſtamente by vndevve and craftie meanes, by falſe and ſuborned vvitneſſes, by the couuetous bearinge and maintenance of ſuche as be in auctoritie quite vndone and ouerthrovvne. Wherefore. *Valerius Maximus* crie the owte againſte. *M. Craſſus* and *Q. Hortenſius lumina*

There ys muche forgerie and counterfeytyng of teſtamentes.

Valerius Maximus dedic. & fact. lib. 9 cap. 4.

curiæ, ornamenta fori, Quod ſcelus vindicare debuerant, lucri captura inuitati ſuis authoritatibus texerint. This preſumption then of the aduerſaries rather maketh for vs, and miniſtrethe to vs good occaſion to thincke that the kinge vvolde not haſarde the vveight and importance of ſuche a matter, to reſte vppon the validitie or inualiditie of a bare teſtamẽte onlie. By this that vve haue ſaide, we maye probablely gather, that the kinge had no cauſe to aduenture ſo greate an enterpriſe by a bare vvill and teſtamente. Ye ſhall nowe heare alſo vvhie vve thincke he did neuer attempte or entrepriſe any ſuche thinge. Yt ys vvell knowen, the kinge vvas not vvonte lightlie to ouerſlippe the occaſion of any greate commoditie preſentlie offered: And yet this not vvithſtãdinge haninge geuen to him by acte of parliamẽte, the orderinge and diſpoſition of all chauntries and colledges, He did neuer or verye litle practiſe & execute this aucthorité. And ſhall vve thincke (oneles full and ſufficient proufe neceſſarilie enforce our creditt) that the kinge to his no preſẽte comoditie and aduantage: but yet to his greate diſhonour, to the greate obloquie of his ſubiectes, and other cõtreyes, to the notable diſheriſon of

so manye of the nexte royall bloude, did vse any suche auctoritie, as ys surmised? Againe yf he had made any suche assignation: Who dowbte the but that as he conditioned in the saide pretensed vvill, vvith his noble dawghters to marrie vvith his counsailes aduice, either elles not to enioye the benefitt of the succession: He vvolde haue tied the saide Ladie Fraunces and Ladie Elenours heires to the same condition. Farthermore, I am driuen to thincke, that there passed no suche limitatiō by the saide kinge Henries vvill, by reason there ys not, nor vvas theis manye yeares any originall copie therof, nor any authenticall recorde in the chauncerie or elles vvhere to be shewed in all Englande, as the aduersaries them selues confesse, and in the copies that be spredd abrode, the vvitnesses pretended to be presente at the signinge of the saide vvill be suche for the meanenes of theire state of the one side, and for the greatenes and vveight of the cause on the other side, as seame not the most sufficiēte for suche a case. The importance of the cause beinge no lesse, then the disherison of so manye heires of the crowne, As vvell from the one sister as from the other, requirid and craued some one or other of the priuie counsaile,

In this supposed will ys no condition for the mariage of they res of the Ladie Frāces, as is for the kīges ovvne davvghters.

or some one honorable and notable pson to haue bene ꝑsente at the sayd signinge: or that some notification shoulde haue bene made afterwarde to suche persons by the kinge him self, or at leaste before some notarie and authenticall person, for the better strengtheninge of the saide will. Heare ys nowe farther to be considered, that seinge the intereste to the crowne ys become a plaine testamẽtarie matter and claime, and dependethe vpon a laste will, when and before what ordinarie this will was exhibited allowed and proued? Where and of whome toke the executours theire othe for the trewe performance of the will. Who committed to them the administration of the kinges goodes ãd chatttelles. When and to whome haue they browght in the inuẽtorie of the same, Who examined the witnesses vpon theire othe for the tenour and trewthe of the saide testamente. Namelie vpon the signement of the kinges hande, wherein onlie consistethe the weight of no lesse, then of the crowne yt self: Where or in what spirituall or temporall cowrte maye one finde theire depositions. But yt were a verie harde thinge to finde that, that as farre as men can learne neuer was. And yet

No order taken for the ꝓbatiõ of the supposed will.

yet yf the matter were ſo plaine, ſo good and ſo ſownde, as theis mẽ beare vs in hãde, yf the originall teſtament had bene ſuche as might haue bydden the towcheſtone, the triall, the light and the ſight of the worlde: Whie did not theye that enioyed moſte cõmoditie thereby, ãd for the ſwaye and auctoritie they bare, might and owght beſte to haue done yt, take cõuenyent ãd ſuer order, that the originall might haue bene dewlie and ſaufelie preſerued, or at the leaſte, the ordinarie probate which ys in euerie poore mans teſtamẽte diligentlie obſerued, might haue bene procured or ſeen? One or other authenticall inſtrumente therof reſerued? The aduerſaries thẽ ſelues ſee well inowghe, yea and are fayne to cõfeſſe theis defectes, but to helpe this micheif they wolde faine haue the enrolemente in the chauncerie to be taken for a ſufficiente probate, by cawſe as they ſaye, bothe the ſpirituall and temporall auctoritie did concurre in the kinges pſon. Yet do they knowe well inowghe that this plaiſter will not cure the ſore, And that this is but a pore helpe ãd ſhifte. For neither the lres patentes, nor the enrolemẽte maye in any wiſe be cownted a ſufficiẽte probate. The chauncerie ys not the cowrte or ordinarie

The enrollement in the chauncerie ys no probation.

narie place for the probate of vvilles, nor the rolles for recordinges the ſame. Bothe muſte be done in the ſpirituall cowrtes, vvhere the executours alſo muſte be impleaded, and geue theire accompte, vvhere the weakenes or ſtrengthe of the will muſte be tried, the witneſſes examined. Finallie the probate and all other thinges therto requiſite diſpatched: or yf yt maye be done by any other perſon, yet muſte his auctoritie be ſhewed, the probate and all thinges muſte be done accordingelie. And amonge other thinges the vſuall clauſe of *Saluo iure cuiuſcunque* muſte not be omitted. Whiche thinges, I ame aſſuerid, the recordige in the chauncerie can not importe, but this, cautiō and prouiſo of *Saluo iure cuiuſcunque* (which ys moſte cōformable to all lawe & reaſon) did litle ſerue ſome mens turne. And therefore there was an other caution and ꝓuiſo, that thowghe the pooreſt más teſtamēte in all Englād hath this prouiſo, at the ꝓbate of the ſame, yet for this teſtamēte the weighty eſte, I trowe, that euer was made in Englād, no ſuche probate or clawſe can be fownde either in the one or the other cowrte: Yet we nedes muſte, all this not with ſtādinge, be borne in hande and borne downe, that

there

there was a teſtamente and wyll formablie framed accordinge to the purpoſe and effecte of the ſtatute: Yet muſte the right of the imperiall crowne of Englande be conveyed and carried awaye with the colour and ſhadowe onlie of a will, I ſaye the ſhadowe onlie, by reaſon of an other coniecture and preſumption vvhiche I ſhall tell you of. Which ys ſo liuelie and effectuall, that I verelie ſuppoſe yt wilbe verye harde for any man by any good and probable reaſon, to anſwere and auoyde the ſame: And ys ſo importante and vehement, that this onlie might ſeame vtterlie to deſtroye all the aduerſaries coniecturall prouffes, concerninge the maintenance of this ſuppoſed will. We ſaye therefore and affirme, that in caſe there had bene any good and ſuer helpe and hand faſte, to take and holde the crowne for the heires of the Ladie Frances by the ſaide will, that the faction that vniuſtlie intruded the Ladie Iane eldeſt dawghter to the ſaide Ladye Frances, to the poſſeſſion of the crowne: vvolde neuer haue omitted to take, receaue, and embrace the occaſiō and benefitt therof, to them preſentlie offered.

They

They neyther wolde nor coulde haue bene driuen to ſo harde ād bare a ſhifte, as to colour theire vſurpatiō againſt the late Quene Marie onlie and our gratious Souereigne Elizabethe, withe the lettres patentes of kinge Edwarde the ſixte, and with the conſent of ſuche as they had procurid. Whiche kinge by lawe had no auctoritie (as yt ys notoriouſe) to make any limitation and aſſignatiō of the crowne, otherwiſe then the cōmon lawe dothe diſpoſe yt. Yt was neade for them I ſaye, as they procured ſuche lres patentes, ſo to haue ſett forthe alſo the ſaide pretenſed will, yf there had bene then any ſuche will in deede ſufficientlie and dewlie to be ꝓued, as ys nowe ſurmiſed there was. The recorde of the ſaide ſurmiſed will was in the chauncerie, whiche they might haue vſed with the pretenſed witneſſes, and with the originall pretenſed will, and with all other thinges therto belonginge to theire beſte aduantage. Yt can not be thowght, that either they were ignorāte of yt, or that they wolde forbeare and forgoe ſo greate a commoditie offered, and ſuche a plauſible pretexte of theire pretenſed vſurpatiō bearinge the countenance & auctoritie of the kinges will, and of the whole parliamente

A greate ꝓſumptiō againſte the ſuppoſed will, for that the late pretenſed Q. Iane, did not vſe the benefitt of the ſame againſt the Quene of Scotes and others.

for

for the exclusion of the Quene of Scottes and others of the nearer royall bloud. Neyther can yt be saide, that the lettres patētes were made as yt were for a stronger corroboration and confirmatiō onlie of the saide ꝑtensed will. For that there is not so muche as one worde in theire whole pretensed ꝓclamation for the supposed right of the saide Ladie Iane by the force of that surmised will, Whereby yt might any thinge appeare, that kinge Hērie the eight made any manner of limitation or assignation of the crowne to the heires of the saide Ladie Frāces. Wherevpon yt maye well be gathered, that either they knewe of no suche limitation to the children of the Ladie Frances by the saide supposed will, or toke yt to be suche as coulde geue no good and lawfull force and strengthe to aide and mainteine theire vsurpatiō, for the manifeste forgerie of the same. And therefore they purposelie (for ignorāce can not be pretēded in them) kepte backe ād suppressed in the saide lres patentes, this pretensed limitation surmised to be made for the children of the saide Ladye Fraunces. which neuertheleſſe the aduersaries do nowe vvithe so greate and vehemente assēueration blowe into all mens eares.

see the ꝓclamation made the fiueteth of Iulie the first yere of her ptēsed reygne.

eares. Wiche ys vtterlie reiected and overthrowē and yt were by nothinge elles, but by this proclamatiō for the pretensed title of the saide Ladie Iane. So that we neade to travaile no farther for any more prouf againste the saide asseueratiō. But yet in case any man do loke for any other and more persuasion and prouff, which as I saide neade not, (ô the greate providence of God, ô his greate favour and goodnes to this realme, of the Whiche yt hathe bene saied, *Regnum Anglie est regnum Dei*, And that God hathe ever had a speciall care of yt, ô his greate goodnes, I saie to this realme even in this case also) for he hathe opened and browght to light the verie trewthe of the Matter. Whiche ys burste owte, thowghe never so craftelie suppresed and kepte vnder. We saye then that the kinge never signed the pretēsed will with hys owne hāde neither do we saye yt by bare heare saie, or gather yt by our former coniectures and presumptiōs onlie, thowge verie effectuall and probable, but by good and hable witnesses that avouche and iustifie of theire owne certaine knowledge, that the Stampe onlie was put to the saide will, and that even when the kinge him self was nowe deade.

Polyd. l. 8.

or

ordinīge and paſte all remembraunce, the Lorde Pagett beinge one of the privie conſaile with Quene Marie, of his owne free will ād godlie mōtiō for the honour of the realme, for reverence of trewthe & iuſtice, thowghe in the facte hym ſelf culpable, ād in a manner thereto by greate auᵭhorite forced, did firſte of all mē diſcloſe the matter. Firſte to the ſayde counſaile, ād then before the whole parliamēte. Syre Edwarde Montegewe alſo the cheif Iuſtice, that was privie and preſente at the ſaide doinges, did confeſſe the ſame as well before the counſaile, as before the parliamēte. Yea william Clarke aſcribed amonge other pretenſed witneſſes, cōfeſſed the p̄miſſes to be trewe. And that him ſelf putt the ſtampe to the ſaide vvill, and afterwarde purchaſed his charter of pardon for the ſaide facte. Vpon the vvhich depoſitions vvell and aduiſedlie vveyed and pondered, Quene Marie vvith the aduice of her counſaile, to the honour of God and this realme, to the maintenāce of trewthe and iuſtice, and the righfull ſucceſſion of the crowne, for the eſchewenge of manye fowle miſcheyffes that might vpon this forgerie enſewe, cawſed the recorde of the ſaide forged will remayninge in the chaunceric to be cancelled defaced

The forgerie of this ſuppoſed will, diſcloſed before the plemēt by the. L. Pagett.

and

A worthie deede for a Prīce to cancell false recordes.

and abolished, as not worthie to remaine amonge the trewe and sincere recordes of this noble realme. Whiche her noble facte deserue the imortalitie of eternall prayse ād fame: No lesse thē the facte of the Romaines that abolisshed the name and memorie of the Tarquinians, for the fowle acte of Sextus Tarquinius in defilinge Lucrecia: No lesse then the facte of the Ephesians, who made a law, that the name of the wicked Erostratus shoulde neuer be recorded in the bookes of anye theire historiographers. No lesse then the facte of the famelie of the Manlians at Rome, takinge a so solempne othe, that none amonge them shoulde euer be called capitolinus, by cause *M. Manlius Capitalinus* had sowght to oppresse his contreye with tyrannie. And to come nerer home, no lesse then our forefathers deserued, which quite rased owte of the yeares and times, the memorie and name of the wicked Apostates Osricus and Eanfridꝰ, numbringe theire tyme vnder the reigne of the good kinge Oswaldus. The aduersaries therefore are muche to be blamed, goinge abowte to staine ād blotte the memorie of the saide Quene and magistrates, as thowghe they had done this thinge di-

Cicer. 3. off.

Suēton. de viris illustr.

Bed. lib. 3. histor. eccle. ca. 1.

diſorderlie, and as thowghe there had bene ſome ſpeciall commoditie therein to them which is apparentlie falſe, for as the ſaide abolition vvas nothinge beneficiall to other magiſtrates: So yf yt had bene à trewe and an vndowbted will, the ſaide Quene wolde never haue cauſed yt to be cancelled, aswell for her honour and conſcience ſake, as for priuate reſpecte, ſeinge her owne royall eſtate was by the ſame ſett forthe and confirmed. Yet wolde they fayne blemiſhe & diſgrace the teſtimonye of the ſaide lorde Pagett, and Sir Edwarde Montigewe, they ſett agaynſte them eleven wytneſſes, thynckinge to matche and overmatche them with the nombre. But heare yt muſte be remẽbred, that thowghe they be eleven, yet they are to ſlẽder and weake for the weyght and importance of the matter. Yt ys agayne to be remembred that often times the lawe dothe aſwell wey the creditt, as nomber the perſons of the wytneſſes. Alias (ſayeth *Caliſtratus*) *numerus, alias dignitas & authoritas, confirmat rei de qua agitur fidem.* Accordynge to this ſaier halſo *Arcadius.* (*confirmabit iudex motum animi ſui ex argumentis & teſtimonijs que rei aptiora & vero proximiora eſſe compererit, non enim ad multitudi-*

l. Teſt. ff. de teſtib.
l. Ob carmen ibid.

rem respicere oportet, sed ad sinceram testimoniorũ fidem, & testimonia quibus potius lux veritatis assistit. Yt hathe not lightlie bene harde or seen, that men of suche state and vocation in so greate & weightie a cause, wolde incurre firste the displeasure of god, thẽ of theire Prĩce, ád of some other of the beste sorte yf theire depositiós were vntrewe, and wolde purchase thẽ selffes dishonour, slaunder, and infamie. Yea disclose theire owne shame to theire owne no manner of weye hoped cõmoditie, nor to the commoditie of other theire frendes, or discómoditie ãd hurte of theire enemies. This sufficiẽtlie dothe purge them, I will not saye of theire facte and faulte, yet from all sinister suspition for this theire deposition and testimonie: theire depositiõ proceadinge, as yt plainlie seame the from no affection, corruptiõ or parcialitie, but from a zeale to the trewthe, and to the honour of the realme. And thowghe parchance yf they had bene therof iudiciallie cõuicted and condempned, and had not by devve penaunce thẽ selves reformed, some exceptions might have bene layed againste thẽ by any ptie iudiciallie convicted for his better advantage. Yet as the case standethe nowe, there ys no cawse in the worlde to discre

No iuste cause to repell the testimonie of the Lorde Pagett ãd others.

discredit theire testimonie : Yea and by the vvaye of accusation also suche persons as be otherwise disablet, are in treason, ād other publike matters tovvchinge the state enhabled bothe to accuse and testifie. As for the eleven vvitnesses, the beste of them, Syre Iohan Gates, we knovve by what meanes ys departed owte of this life. One other the saide willim Clarke ys so gone from them, that he geveth good cause to misdeame and mistruste the Whole matter. Hovve manie of the residevve live I knovve not. To whō parchance some thinge might be saide yf vve ons knowe what thē selues saye. Which seinge yt dothe not by authenticall recorde appeare, bare names of dūme witnesses can in no wise hinder and deface so solempne a testimonie, of the foresaide Lorde Pagett and Syre Edvvarde Mountagevve. Neither ys the difficultie so greate as the aduersaries pretende, in provinge *negatiuam facti*: Which as we grante yt to be trevve, vvhen yt standethe vvithin the limittes of a mere negatiue, so beinge restrained and referred to time and place, maye be asvvell proved as the affirmatiue. Yt appearethe novve then by the prēmisses, that the adversaries argumētes, wherby they wolde weakē and

l. famosi ff. ad l. Iul mares. l. mulier. ff. de accusa.

Hovve a negatiue maye be proued.

Glos. & doct. c. bona de elec.

discreditte the testimonie either of the witnesses, or of the executours, that haue or maye come in against the saide p̄tēsed vvill, are but of small force and strengthe. And especiallie theire slender exaggeration by a superficiall rethoricke enforced: wherebye they wolde abuse the ignorāce of the people, and make them beleue, that there was no good and substanciall proufe browght furthe againste the forgerie of this supposed will, bycause the vntrewthe of the same was not preached at Pawles crosse, and declared in all open places and assembles throwghe the realme. When they knowe well inowghe that there was no necessitie so to do. And that yt was notoryouslie knowen by reason yt was disclosed by the saide Lorde Pagett, as well to the counsaile, as to the hier and lower howse of the parlemente. And the foresaide forged recorde in the chauncerie thervpon worthelie defaced and abolished. The disclosinge Wherof seinge yt came forthe by suche, ād in suche sorte and order as we have specified: As yt dothe nothinge deface or blemishe the testimonie geven againste the saide supposed will, whether yt were of anye of the witnesses, or executours: so ys there no neade at all

A supficiall rethoricke of the aduersarie

Howe & whē the later testimony ys to be accepted before the former.

all, whye anye other witnesses besides those that have alredie impugned the same shoulde be nowe farther producted. I denie not but, that yf any suche witnes or executour had vpon his othe, before a lawfull Iudge deposed of his owne certaine notice and knowledge that the saide will was signed with the kinges owne hande, In case he shoulde afterwarde cõtrarie and revoke this hys solempne deposition, yt owght not lightlie to be discredited for any suche contradiction afterwarde happeninge. But as I haue saide, suche authenticall and ordinarie examinations and depositions we finde not, nor yet heare of any suche so passed. Nowe contrariwise yf anye of the saide Witnesses or executours haue or shall before a competente Iudge, especiallie not producted of any partie, or against any partie for any private suite commenced, but as I haue saide, moved of conscience onlie and of a zeale to trewthe, and to the honour of God and the realme, frelie and voluntarily discover and detecte suche forgerie (althowghe parchance yt towchethe them selues for some thinge donne or saide of them to the contrarie,) or beinge called by the saide competente iudge (haue or shall

declare and teſtifie any thinge againſt the ſame, this later teſtimonie maye be vvell credited by good reaſon and lawe. Where as novve they vvolde inferre, that either this pretenſed vvill vvas kinge Henries vvill, or that he made none at all, I do not as I haue ſaide intende nor neade not curiouſlie to examine & diſcuſſe this thinge, as a matter not apparteyninge to our principall purpoſe. And vvell yt maye be, that he made a vvill conteininge the vvhole tenour of this pretenſed vvill (ſauinge for the limitation of the crowne) and that theis ſuppoſed witneſſes vvere preſente, either vvhen he ſubſcribed the ſame vvith his owne hande, or vvhen by his commandemente the ſtampe (of the vvhich and of his ovvne hande, the commō ſorte of men make no difference, as in deede in diuerſe other caſes there ys no difference, which theis vvitneſſes might take to be as yt vvere his ovvne hande) vvas ſett to the vvill. This I ſaye might after ſome ſorte ſo be, and yet this not vvithe ſtandinge there might be (as there vvas in deede) an other vvill towchinge the pretenſed limitation of the crowne by the kinges owne hāde counterfeited and ſuborned after his deathe falſelie and colora-

blie

blie, bearinge the countenance of his owne hande, and of the pretenſed witneſſes names. Hovve ſo euer yt be, yt ys but to ſmall purpoſe, to goe abovvte any full and exquiſite anſvvere towchinge this pointe, ſeinge that neither the originall ſurmiſed vvill, Wherof theis vvitneſſes are ſuppoſed to be priuie ys extant, nor theire depoſitions any vvhere appeare, not yet that yt appearethe that euer they vvere (as vve haue ſayde) iudiciallie examined. Seinge nowe then, that yt ſo fallethe ovvte that the principall vvill, and that that vvas by the greate ſeale exemplified, and in the chauncerie recorded, had not at (leaſte towchinge the clawſe of the limitation and aſſignemēte of the crowne) the kinges hande to yt: We neade not, nor will not tarrie abowte certaine ſcrowles and copies of the ſaide will, that the aduerſaries pretende to haue bene either vvritten or ſigned with his hande. A kingdome ys to heauie to be ſo eaſelie carried awaye by ſuche ſcrowles and copies. When all this faylethe, the aduerſaries haue yet one ſhifte lefte for the laſte caſte: they vrge the æquitie of the matter, & the minde of the pliamēt: Which ys, they ſaye, accompliſſhed and ſatiſffed

by makinge this aſſignation, for the eſtabliſhinge of the ſucceſſion, and prouidinge that the realme ſhoulde not be lefte voyde of a gouernour. And therefore we muſte not ſubuerte the ſtatute in cauillinge for the defecte of the kinges hande. For as muche as the parliamente might haue had auᵭhoriſed his conſente onlie withowte any hande writinge. Whiche as I do not denie, ſo in theis greate affaires ād ſo ample a comiſſion in ſuche abſolute auᵭhoritie geuen to him, yt was prouidentlie and neceſſarilie foreſeen to binde the acte to the kinges owne hande, for auoydinge all ſiniſter and euill dealinge, the whiche the aduerſaries wolde hauevs in no caſe to miſdowte or miſtruſte of the facte, and the lamētable euente of thinges do openlie declare the ſame, ād pitifullie criethe owte againſte yt. Neither will we grante to them that the minde and purpoſe of the parliament ys ſatiſſied, for ſuche cauſes as we haue and ſhall hereafter more largelie declare. And yf yt were otherwiſe trewe, yet dothe this onlie defecte of the kinges hande, breeke and infringe the whole acte. For this ys a ſtatute correctorie and derogatorie to the common cowrſe of the lawe, as cuttinge

Whye the ſtampe cā not counteruaile the kinges hande in this caſe.

awaye

awaye the ſucceſſion of the lawfull and trewe inheritours. yt ys alſo as appearethe by the tenour of the ſame a moſte greauouſe penall lawe, and therefore we maye not ſhifte or alter the wordes of the lawe: Neither maye we ſupplie the manner and doinge of the acte æquiualéte. So that albe yt in ſome other thinge, the ſtampe or the kinges certaine and knowen cõtente maye counterpaiſe his hande: Yet as the caſe ſtandethe here, yt will not ſerue the turne, by reaſon there ys a preciſe order and forme præſcribed and appointed. Wherfore yf by a ſtatute of a citie, there be certaine perſons appointed to do a certaine acte, and the whole people do the ſame acte in the preſence of the ſaide perſons, the acte by the iudgement of learned ciuilians, ys viciouſe and of no valewe: Yea thowghe the reaſon of the lawe ceaſe, yet muſte the forme be obſerued. For yt ys a rule and a maxime, that where the lawe appointethe and preſcribethe a certaine platt forme, whereby the acte muſte be bownde and tied, in that caſe thowghe the reaſon of the lawe ceaſe, yet ys the acte voyde ād nowght. And where as the aduerſaries obiecte againſt this rule the parliamentes made by Quene Marie with

Ioā. And. ī adit. ſpecul. tit. de requiſitis conſil. ad finem.

L ſi fund^o ff reb^o eorū cap. 1. de rebus eccl. in 6.

owte

An answere to the aduersaries touchinge actes of parliament, that they alleage to prove that the kinges owne hāde was not necessarie to the supposed will.

owte the vsuall stile called and somoned, this obiection maye sone be answered. For yt maye sone appeare to all them that reade and peruse the saide statute of *An. 35. Henrici octaui*, conteininge the saide stile, that by any especiall wordes therein mentioned, yt ys not there limited and appointed, that the forme of the stile therein sett forthe should be obserued in euerie vvritt. And therefore not to be compared vnto the saide statutes of 28 & 35. *Henrici octaui*. Wherein by speciall vvordes one expresse forme and order for the limittinge of the succession of the crowne by the kinge ys declared and sett furthe. Besides that the saide writtes beinge made bothe accordinge to the auncient forme of the registre, and also by expresse cōmaundement of the Prince vtterlie refusinge the saide stile coulde, neyther be derogatorie to the saide Quenes Maiestie and her crowne, nor meaninge of the saide statute. Concerninge the saide stile, and for a finall and full answere vnto this matter: Yt ys to be noted, that the vvritres beinge the actes of the cowrte, thowghe they vvant the pscripte forme sett furthe either by the common lavve, or statute: Yet are not they, nor the iudgementes subsequent thervpon

abated

abated or voyde, but onlie abatable ād voy-
dable by exceptiō of the ptie, by iudgemēte 18. E. 3.
of the cowrte. For yf the ptie withowte any fol. 30.
exception do admitt the forme of the ſaide 3. H. 4.
writt, and pleade vnto the matter, Whervpō fo. 3. & 11.
the covvrte dothe procede, then dothe the 11. H. 4.
writt and the iudgement thervpon follow- fol. 67.
ynge remaine good and effectuall in lawe. 9, H. 6.
And therefore admittīge that the ſaide ſta- fol. 6.
tute of 35. H. 8. had by ſpeciall vvordes, ap- 19, H. 6.
pointed the ſaide ſtile to be put in euerie f. 7. & 10.
writt, & that for that cauſe the ſaide writtes 35 H. 6.
of ſomons vvere vitious vvantinge theire fol. 12.
preſcript forme, yet vvhen the parties vnto 10, H. 6:
the ſaide vvrittes had admitted them for fol. 26.
good, bothe by theire election and alſo by 3, H. 6:
theire apparance vpon the ſame, the lavve fol. 8.
dothe admitt the ſaide writtes and all actes 33, E. 3: 13.
ſubſequente vpon the ſame to be good and Vide pri-
effectuall. And yet this makethe no prouf, ſett. 33 H.
that therefore the ſaide ſuppoſed vvill vvā- 6: fol. 35.
thinge the pſcript order and forme ſhoulde
likevviſe be good and effectuall in lavve.
For as tovvchinge ſpecialties, eſtates, and
conueyances or any other externall acte to
be done or made by any pſon, whoſe forme
and order ys pſcribed either by the cōmon
lawe or by ſtatute, yf they wante anye parte
of theire pſcripte forme, they are accōpted

in lawe to be of no validitie or effecte. As for example, the lawe dothe appointe euerie ſpecialtie or deede to be made either in the firſte perſon or in the thirde perſon. Therefore yf parte of a deede be made in the firſte perſon, and the reſidewe in the thirde perſon, that deede ys not effectuall, but voide in the lawe, beſides that the lawe hathe appoynted, that in euerie deede mention ſhoulde be made that the partie hathe putto his ſeale to the ſame. Yf therefore any deede dothe wante that ſpeciall clauſe and mention, althowghe the partie in deede hathe putt his ſeale vnto the ſame, yet ys that deede or ſpecialtie voyde ī lawe. So likewiſe the lavve geuethe authoritie vnto the Lorde to diſtraine vpon the lande holden of him for his rentes and ſeruices devve for the ſame, and farther dothe appointe to carrie or driue the ſame diſtreſſe vnto the povvnde, there to remaine as a gage in lavve for his ſaide rentes and ſeruices. Yf the Lorde ſhall either diſtraine his tenaunte owte of his Fee or ſeignorie, or yf he ſhall labour & occupie the chattelles diſtrained, The diſtreſſe ſo taken by him ys iniuriouſe and vvrongfull in lavve. For as muche as he hathe not done accordinge to the

9 H.6 fo. 35. 35 H. 6. fol. 34. 40 Ed. 3: fol. 2.

40. E. 3. fo. 2. 21 E. 4. fol. 97. 7 H. 7. fo. 15.

9. E. 4: fo. 2. 22 E. 4. fo. 47. 29 H. 6. fol. 6. 29. li. Aſſiar. P. 64

the preſcribed order of the lavve. The ſtatute made Anno 32. H. 8. geuethe auᶜthoritievnto tenāte in tayle, and to othersbeinge ſeaſed of lande in the right of theire vviues or churches, to make leaſes of the ſame. Wherein alſo a preſcripte order and forme for the ſame ys ſett forthe: Yf any of the ſaide perſons ſhall make any leaſe, wherein he dothe not obſerue the ſame preſcribed order in all pointes, the ſame leaſe ys not vvarented in any point by the ſaide ſtatute. Likevviſe the ſtatute made in Anno 27. H. 8. of bargaines and ſales of lāde, appointethe a forme and order for the ſame, that ys, they muſte be by vvritinge indēted, ſealed, ād enrolled vvithin ſixe monethes next after the dates of the ſame vvritinges, Yf any bargaine and ſale of lande be made vvherein any of the thinges appointed by the ſaide ſtatute are omitted, the ſame ys vitious ād voide in the lavve. So likevviſe the ſtatute made in an. 32. H. 8. geaueth auᶜthoritie to diſpoſe lādes and teneměres by laſte vvill and teſtamente in vvritinge. Yf a man do demiſſe his lāde by his laſte vvill & teſtaměte nuncupatiue vvithovvte vvrittinge, this demiſe is inſufficiēte in lavve, ād ys not warranted by the ſaide ſtatute. We leue of a

27. *H.* 8. *cap.* 10.

32. *H.* 8. *cap.* 1.

nomber

nomber of like caſes that we might multiplie in the proufe of this matter: Wherein vve haue tarried the longer by cauſe the aduſaries make ſo greate a countenãce therevpon. And by cauſe all vnder one, yt maye ſerue for the anſvvere alſo tovvchinge the kinges royall aſſente to be geven to parliamentes by his lettres patentes ſigned vvith his hande: Which ys nothinge elſe but a declaration and affirmãce of the cõmon lawe. And no newe auᵭhoritie geven to him to do that he coulde not do before, or any forme preſcribed to binde him vnto. Beſides that in this caſe, there ys no feare in the worlde of forginge and counterfeytinge the kingeshande. Where as in the teſtamentarie cauſe yt ys farre other wiſe, as the worlde knovvethe, and dailie experience teacheth. And ſo with all do vve conclude that by reaſon this ſurmiſed will was not ſigned with the kinges hande, yt can not any vvaye hurte or hinder the iuſte right ãd clayme of the Quene of Scotlande, to the ſucceſſion of the crovvne of Englande. Nowe ſuppoſinge that neither the Lorde Pagett, nor Syre Edvvarde Mountegevve ãd willim Clarke had teſtified or publiſhed any thinge to the infringinge and over-

throw

throwinge of the aduerſaries aſſertiō, towchinge the ſigninge of the ſaide will: Yet ys not therebye the Quene of Scotlandes title altogether hindered. For ſhe yet hathe her iuſte ād lawfull defēce for the oppugninge of the ſaide Aſſertion, aſwell againſte the perſons and faienge of the witneſſes, yf any ſhall come forthe, as otherwiſe ſhe maye iuſtlie require the ſaide will to be browght furthe to light, and eſpeciallie the ſigninge of the ſame vvith the kinges hande, to be dewly and conſideratelie pondered, weied, and conferred. She hathe her iuſte defence and exceprions, and muſte have. And yt were againſt all lawes, and the lavve of nature yt ſelf, to ſpoile her of the ſame. And all good reaſon geavethe, that the ſaide originall will ſtandinge vpon the triall of the kinges hande be exhibited, that yt maye be compared vvith his other certaine and well knowen hande writinge, and that other thinges maye be done requiſite in this behalf. But yet all this not withſtandinge, lett vs nowe imagine and ſuppoſe, that the kinge him ſelf (whoſe harte and hande Were dovvbteleſſe farre from any ſuche doinges) Lett vs yet I ſaie admitte, that he had ſigned the ſaide will

with

vvith his ovvne hande: Yet for all that, the aduersaries parchance shall not finde, no not in this case, that the Quenes iuste title right and intereste dothe any thinge fayle or quayle. Or rather lett vs vvithovvte any perchance saye, the iustice and equitie of her cause, and the invincible force of trevvthe to be suche, that neither the stampe nor the kynges ovvne hande can beare and beate yt dovvne. Which thinge we speake not vvith ovvte good probable and vveightie reasons. Neither do vve at this time minde to debate and discovvrse, vvhat povver and auctoritie, and howe farre the parlamente hathe yt in this and like cases, Which parchance some other vvolde here do. We vvill onlie intermedle vvith other thinges, that reache not so farre nor so highe, and seame in this our presente question vvorthie and necessarie to be considered. And firste before we entre into other matters, vve aske this reasonable and necessarie question. Whether theis generall vvordes, vvhereby this large and ample auctoritie ys conueyed to kinge Henrie muste be as generallie, and as amplie taken, or be restrained by some manner of limitation, ād restriction agreable to suche

The suppo sed will cā not preiu- dice the Q. of. Scottes shovvghe yt had be- ne signed vvith the Kinges ovvne hande.

minde

mynde and purpoſe of the parliamente, as muſte of verie neceſſitie or greate lykelyhodde be conſtrued to be the verye mynde and purpoſe of the ſayde parliamente. Ye will ſaye perchance, that the power and auᵭhoritie of aſſignation muſte be taken generallie and abſolutelie withowte exception, ſauinge for the owteward ſigninge of the will. Trewthe yt ys, there ys nothynge elles expreſſed: But yet was there ſome thinge elles principallie intended, and yet for all that, neaded not to be ſpecified. The owteward manner was ſo ſpeciallie and preciſelie appointed and ſpecified to auoide ſuſpitious dealinge, to auoide corruption and forgerie: And yet vvas the vvill good and effectuall vvithowte the kinges hande: Yea and the aſſignation to had bene good, had not that reſtrainte of the kinges hande, bene added by the parliamente. But for the qualification of the perſon to be limited and aſſigned, and ſo for the neceſſarie reſtriction and limitation of the vvordes, were they neuer ſo large and ample, there ys, thowghe nothinge were ſpoken therof, an ordinarie helpe and remedie otherwiſe. Yf the realme had bene ſet ouer to

there muſt nedes be ſome qualification ād reſtraīt of the generall words of the ſtatute.

a furious, or a made man, or to an ideot, or to some forraine, ād Machometicall Prince (and to suche a one our stories testifie that kinge Iohn vvolde haue submitted himselfe and his realme) or to any other notoriouse incapable or vnable person. The generaltie of the vvordes seame to beare yt: But the good mynde and purpose of the pliamente, and mans reason do in no wise beare yt. Yf ye graunte that theis wordes muste nedes haue some good and honeste construction and interpretation (as reason dothe force you to graūte it) Yet will I aske farther, whether as the kinge cutt of in this pretensed will the whole noble race of the eldeste sister, ād the firste issewe of the yongeste sister: So yf he had cutt of also all the offspringe aswell of the sayde yōgeste sister, as of the remnante of the royall bloude, ād placed some beīge not of the sayde bloude, and perchance othervvise vnable, this assignation had bene good ād valable in lavve, as cōformable to reason, and to the mynde and purpose of the parliamente. Yt vvere suerlie to greare an absurditie to graunte yt. There muste be therefore in this matter some reasonable moderation and interpretation as vvell towchinge the persons com-

Mathews parisiensis in Ioanne.

pre-

ſhended vvith in this aſſignatiō and theire qualities, and for the perſons alſo hauinge right, ād yet excluded: As for the manner of the doinge of the acte, ād ſigninge the will. For the kinge as kinge coulde not diſpoſe the crowne by his vvill And was in this behalfe but an arbiter and comiſſioner. Wherfore his doinges muſte be directed ād ruled by the lawe, ād accordīge to the good mīde ād meaninge of thoſe that gaue the auctho-ritie. And vvhat theire mynde vvas, yt vvill appeare well inowghe euen in the ſtatute yt ſelf. Yt vvas for the auoidinge of all ābiguities, dowbtes, and diuiſions towchinge the ſucceſſiō. They putt theire whole truſte vpō the kīge, as one whome they thovght moſt earneſtlie to mynde the vvealthe of the realme, as one that vvolde and coulde beſte and moſte prudentlie conſider and weighe the matter of the ſucceſſion, and prouide for the ſame accordinglye. Yf the doynges of the kinge do not plainlye and euidentlye tende to this ende and ſcope, yf a zelous mynde to the common welthe, yf prudence and vviſdome did not rule and meaſure all theys doinges: but contrarye wiſe parciall affection & diſpleaſure, yf this arbitremēte puttethe not awaye

all contentions and striffes, yf the mynde ād purpose of the honorable parliament be not satisfied, yf there be dishonorable devises & assignimentes of the crowne in this will and testamente, yf there be a nevve succession vnnaturallie deuised. Finally yf this be not a testamēte and laste will, suche as Modestinus definethe: *testamētum est iusta voluntatis nostræ sententia, de eo quod quis post mortem suam fieri velit*. Then thovvghe the kinges hande were put to yt, the matter goeth not al together so vvell and so smothe. But yet there ys good and greate cause farther to cōsider and debate vpō yt. Whether yt be so or no, lett the indifferente, When theye haue well thowght vpon yt, iudge accōrdinglie. The adversaries them selues can not altogether denie, but that this testamēte ys not correspondente to suche expectation, as men worthelie shoulde haue of yt. Which thinge they do plainlie confesse: for in vrginge theire presumptions, wherof we have spoken, and myndinge to proue that this will, which they saye is cōmonlie called kinge Henryes will, was no newe will deuised in his sicknes, but eavē the verie same, where of (as they saye) vvere dyvers olde copies. Theye inferre theis Wordes, saienge thus

l.1.ff. qui testamenta facere.

The definitiō of a testament.

thus: For yf yt be a newe will then deviſed, Who coulde thincke that either hym ſelf wolde, or any man durſte haue moved him, to putt therein ſo many thinges contrarie to his honour: muche leſſe durſte they them ſelves deviſe any newe ſucceſſion, or moue hym to altre yt otherwiſe then they founde yt, when they ſawe that naturallie yt coulde not be otherwiſe diſpoſed. Wherein they ſaie very trewlie: For yt ys certaine that not onlie the cõmon lawe of this realme, but nature yt ſelf telleth vs, that the Quene of Scotlãd (yf our gratious Souereigne ſhoulde happen to dye hauinge no heyres of her dodie) ys the next and right full heire of the crowne. Wherefore the kinge, yf he had excluded her, he had done an vnnaturall acte. Ye will ſaye he had ſome cauſe to do this, by reaſon ſhe was a forrainer ãd borne owte of the realme, yet this not with ſtãdinge he did very vnnaturally, Yea vnadviſedlie, inconſideratelie and wrongfullie, and to the greate prẽiudice and daunger of his owne title to the crowne of Fraunce, as we haue alredie declared. And more over, yt ys well to be weighed, that reaſon and æquitie, and *ius gentium* dothe require and crave: That as the kinges of this realme wolde

thincke them ſelues to be iniuriouſlie hãdled and openlye vvronged, yf they marrienge vvith the heires of Spayne, Scotlande or any other contrey (vvhere the ſucceſſion of the crovvne deuoluethe to the vvoman) vvere ſhutt ovvte and barred from theyre ſayde right devve to them by the vviues (as vve haue ſayde) So likevviſe they ovvght to thincke of vvomen of theire Royall bloude, that Marrie in Scotlande: that they maye vvell iudge and take them ſelues muche iniured, vnnaturallye and vvrongfullye delt vvith all, to be thruſte from the ſucceſſion of this crowne, beinge therto called by the nexte proximitie of the Royal bloude. And ſuche deuolution of other kingdomes to the crowne of Englande, by forraine mariage, might by poſſibilitie oftimes haue chaunced, and vvas eauen nowe in this our time verye like to haue chaũced for Scotlande, yf the intended mariage vvith the Quene of Scottes that novve ys, and the late kinge Edvvarde the ſixte vvith his longer life, and ſome iſſevve had taken place. But novve that ſhe ys no ſuche forrainer, as ys not capable of the crovvne, We haue at large alredye diſcuſſed. Yea I

vvill

vvill nowe ſaye farther, that ſuppoſinge the parliamente mynded to exclude her and migh rightfullye ſo do, and that the kinge by vertue of this ſtatute did exclude her in his ſuppoſed vvill: Yet ys ſhe not a plaine forrainer, and incapable of the crowne. For yf the lavvfull heires of the ſayde Ladye Frances, and of the Ladye Elenour ſhoulde hapen to fayle, vvhich ſeame nowe to faile at the leaſte in the Ladye Katherine ād her iſſue (for vvhoſe title ſo greate ſturre hath latelye bene) by reaſon of a ſentence diffinitiue lately geauen againſte a pretenſed matrimonie of the ſayde Ladye vvith the Erle of Harforde, by my Lorde of Canterburie and other commiſſioners, then ys there no ſtaye or ſtoppe either by the parliament, or by the ſayde ſuppoſed will: But that ſhe the ſayde Quene of Scotlande and her heires, maye haue and obtayne theire iuſte title and claime. For by the ſayde pretented vvill yt ys limited, that for defaulte of the lavvfull heires of the ſayde Ladyes Frances and Elenour, that the crovvne ſhall remayme and cōme to the next rightfull heires. But yf ſhe ſhall be ſayde

to be a forrainer for the time, for the induction of farther argumente: Then what ſaye the adv̄ſaries to my Ladie Lēnoux borne at Herbotell in Englande, and from therteene yeares of age browght vppe alſo in Englād and cōmonlie taken and reputed aſwell of the kinge and nobilitie, as of other the lawfull nece of the ſaide kinge. Yea to turne nowe to the other ſiſter of the kinge married to Charles Brandon Duke of Suff. and her children the Ladie Fraunces, and the Ladye Elenour. Whye are they alſo diſherited? Suerlie yf there be no iuſte cauſe, neither in the Ladye Lēnoux, nor in the other, yt ſeamethe the kinge hathe made a plaine donatiue of the crowne. Which thinge vvhether he coulde do, or vvhether yt be conformable to the expectation of the parliamente, or for the kinges honour, or for the honour of the realme, I leaue yt to the further conſideration of other. Nowe what cauſes ſhoulde moue the kīge to ſhutt them owte by his pretenſed will, from the title of the crowne, I mynde not, nor neade not (eſpeciallie ſeinge I take no notice of any ſuche will towchinge the limitation of the ſaide crowne) here to ꝓſequute or examin. Yet am I not ignorante what impedimētes

many

many do talke of, ād ſome as well by prīted as vnprīted bookes do write of. Wherein I will not take vpon me any aſſeueratiō, any reſolution or iudgement. Thys onlie will I propownde, as yt were by the vvaye of cō-ſideration dewly and deaplye to be wayed and thowght vpō: That ys for as muche as the benefitt of this ſurmiſed will tendethe with the extruſion of the Quene of Scot-lāde and others altogether to the iſſewe of the Frenche Quene, whether in caſe the kinge had no cauſe to be offended with his ſiſters the Frenche Quenes children (as the aduerſaries them ſelues cōfeſſe he had not) and that there was no lawfull impediмēte in them to take the ſucceſſiō of the croune, yt were any thinge reaſonable, or euer was ones mente of the parliamente, that the kinge withowte cauſe ſhoulde diſherite ād exclude them from the title of the crowne. On the other ſide yf there were anye ſuche impedimente (Wherof this ſurmiſed will geuethe owte a greate ſuſpition) yt ys to be conſidered, whether yt ſtandethe with rea-ſon and iuſtice, vvith the honour of the kinge, and the whole realme, or vvith the mynde, purpoſe, and intente of the laide pliamente, that the kinge ſhoulde not onlie

l. ſi pater ff. quo in fraud. credit. l. filij famil. ff. de donat. l. 1. C. quæ res pign. l. obligationem ff. de pignor. c. in general. de regul. iuris in 6.

In giuinge generall aucthority that ſeameth not to be cõpriſed that the prie vvolde not haue graunted being ſpecially demanded. l promittẽdo cũ notat. ibid. ff de iure dotium. l. quidam ff. de verb. ſignific. l. vt gradat. §. 1. de muner. & honor.

Generall vvordes muſte be referred to hable perſons. l. 2. C de Nopal.

fruſtrate ād exclude ſuche, vvhoſe right by the cõmon lavve ys moſte evidente and notorious, but call and ſubſtitute ſuche other, as by the ſame lavve are plainelie excluded. In conſideration wherof manie notable rules of the cyuill lavve do concurre: Firſte that whoſover gevethe any man a generall aucthoritie to do any thinge, ſeamethe not to giue him aucthoritie to do that thinge which he vvolde not haue graunted, yf his mīde therein had bene ſeverallie and ſpeciallie aſked and required. Againe generall wordes eyther of the teſtatours, or of ſuche as make any contracte, and ſpeciallie of ſtatutes towchinge any perſons to do or enioye any thinge, ovvght to be reſtrained and referred to hable, mete, and capable perſons onlie. Yt ys further more a rule ād a principle, that ſtatutes muſte be ruled meaſured ād interpreted accordinge to the minde and direcciō of the generall and cõmon lawe. Wherefore the kinge in limitinge the ſucceſſiō of the crovne in this ſorte, as ys prætended, ſeamethe not to anſwere and ſatisfie the expecta-

tion

tion of the parliamente, puttinge the caſe there were any ſuche ſurmiſed impedimēt, as alſo on the other ſyde likewyſe yf there were no ſuche ſuppoſed impediment. For here an other rule muſte be regarded, which ys that in teſtamentes, contractes, and namelie in ſtatutes, the generalitie of wordes muſte be gentilie and cyvilie moderated ād meſured by the common lavve, and reſtrained, when ſo euer any man ſhoulde by that generalitie take any dōmage and hurte vndeſervinglie. Yea the Statute ſhall rather in that caſe ceaſe and quaile, and be taken as voyde. As for example yt appeareth by the ciuill lavve, that yf yt be enacted by Statute in ſome cities, that no man ſhall pleade againſte an inſtrumente, no not the executours: Yet this not withſtandinge, yf the executour make a trevve and perfecte inuentorie of the goodes of the teſtatour, yf he deale feaithfullie and trewlie, rather then he ſhoulde vvrongfullye and with oute cauſe paye the teſtatours debte of his owne, he maye come and pleade againſte the inſtrumente. Wherfore the kinges doinges ſeame either muche defectiue in the ſaide Ladie Frances

l. Fin § in cōputatione C. de iure de liber. & ibi notat.

Alciat. l. 1. verb. ſig.

and

and Ladye Elenour, or muche exceſſiue in theire childrē. And ſo thowghe he had ſigned the ſayde will with his hande, yet the ſaide doinges ſeame not cōformable to the mynde and purpoſe of the parliamente. We vvill nowe goe forewarde and propownde other greate and graue conſiderations, ſeruinge our ſaide purpoſe and intēte, wherof one ys, that in limitinge the crowne vnto the heires of the bodie of the Ladie Frāces, the ſame Ladye then, and ſo longe after liuinge, the ſaide kinge did not appointe the ſucceſſion of the crowne accordinge to the ordre and meaninge of the honorable parliamente: For as muche as the ſaide acte of parliamente gaue to him auctoritie to limitt ād appointe the crowne to ſuche pſon or perſons in reuerſion or remainder, as ſhoulde pleaſe his highnes: meaninge therbye ſome perſon certaine, of vvhom the people might haue certaine knovvlege and vnderſtandinge after the deathe of kinge Henrie the eight. Whiche perſons certaine the heires of the Ladye Fraunces coulde not by any meanes, be intended: For as muche as the ſaide Ladye Frances was then liuinge, and therefore coulde then haue no heires at all. By reaſon vvherof the people

of

of this realme coulde not haue certaine knowledge and perfecte vnderstandinge of the succession, accordinge to the trevve meaninge and intente of the saide acte of parliamente. But to this matter some peraduenture vvolde seame to answvere and saye, that althovvghe at the tyme of the saide kinge Henries deathe, the heires of the bodye of the saide Ladye Frances begotten vvere vncertaine: yet at suche tyme as the sayde remainder shoulde happen to fall, the saide heires might then certainlye be knowen. In deede I vvill not denye, but that paraduenture they might be then certaynlie knowē: but what greate mischeiffes and inconueniences might haue ensewed and yet maye, yf the vvill take place vpon that paduenture and vncertaine limitation. I vvolde vvishe all men vvell to note and consider. Yt ys not to be doubted, but that yt might haue fortuned at suche time as the remainder shoulde happen to fall to the saide heires of the Ladye Frances, the same Ladie Frances shoulde then be also liuinge. Who I praye you then shoulde haue had the crowne? Paraduenture ye wolde saye, the heyres of the bodye of the Ladye Eleanour, to whom the next remainder vvas appoin-

11, H. 4: fol. 72.
19, H. 6: fol. 24.
11, H. 6: fol. 15.

pointed. Vndowbtedlie that were cõtrarie vnto the meaninge of the ſaide ſuppoſed wyll For ſo muche as the remainder ys ther by limited vnto the heyres of the bodie of the ladie Elenour, onlie for defaulte of iſſewe of the ſaide Ladie Frances. Whereby yt maye be very plainlie gathered vpon the ſaide ſuppoſed wyll, that the meanynge therof was not that the Chyldren of the Ladie Elenour ſhoulde enioye the crowne before the Chyldren of the Ladie Frances. But what yf the ſayde Ladie Elenour, had bene then alſo lyvinge (wich myght have happened, for as muche as bothe the ſaide ladie Frãces, and Ladie Elenour by cõmon cowrſe of nature myght have lived longer, then vntyll thys daye:) Who then ſhoulde have had the crowne? Trewlie the ryght heyre whom thys ſuppoſed wyl mente to exclude, ſo longe as there ſhoulde remaine any iſſewe, eyther of the bodie, of the ſaide Ladie Fraunces, or of the bodie of the ſaide Ladie Elenour lawfullie begotte. And therfore quite contrarie to the meaninge of the ſaide ſuppoſed wyll. Wherefore I do verelie thincke, that yt woulde hardelie ſyncke into any reaſonnable mans head that had anye experience of the greate

wiſdome

wiſdome and adviſed doinges of kinge Henrye the eyght abowte other matters, beynge of nothinge like weyght, that he wolde ſo ſlenderlie, ſo vnadviſedlie, and ſo vnlearnedlie diſpoſe the ſucceſſion of the crowne (Where vpon the whole eſtate of thys Realme dothe depende) in ſuche Wyſe, that they to whome he ment to geve the ſame by hys will, coulde not enioye yt by the lawe: Where vpō ye maye plainlie ſee, not onlie the greate vnlikely hodde, that kinge Henrie the eight wolde make any ſuche will with ſuche ſlender advice: But alſo that by the limitation of the ſaide will, the ſucceſſion of the crowne ys made more vncertaine and dowbtefull, thēyt was before the makinge of the ſaide Actes of Parliamente, which ys contrarie to the meaninge and intēte of the ſaide Actes, and therefore with owte anie ſufficiente warrante in Lawe. But paradventure ſome here will ſaye, that althowghe theis dangers ād vncerteinties might have enſewed vpon the limitatiōn of the ſaide vvill, yet for as muche as they haue not happened, neither be like to happen, they are therefore not to be ſpoken of. Yes verilie yt was not to be omitted. For althovvghe theys

thinges

thinges haue not happened, and there fore the more tollerable: Yet for as muche as theye myght haue happened by the limitation of the ſaide ſuppoſed will, contrarie to the meaninge of the ſaide actes, the vvill cā not by any meanes be ſaide, to be made accordinge to the meaninge and intente of the makers of the ſaide ſtatutes. And therefore in that reſpecte, the ſaide will ys inſufficient in lawe. And to aggravate the matter farthere, ye ſhall vnderſtande of greate incōveniences and imminent dangers, which as yet are likelie to enſevve, yf that ſuppoſed will ſhoulde take place. Yt ys not vnknowē, but that at the time of the makinge of the ſaide will, the ſaide Ladie Frances had no iſſewe male, but onlie three dawghters betwene her, and Henry Duke of Suff. Afterwarde in the time of our late Sovereigne Ladie Quene Marie, the ſaide Duke of Suff was attainted, ād ſufferid accordinglie. After whoſe deathe the ſaide Ladie Frāces to her greate diſhonour and abaſinge of her ſelf, toke to her huſbande one Adrian Stockes, who was before her ſeruāte, a man of verie meane eſtate and vocation, and had iſſewe by him. Whiche iſſewe (yf yt were a ſonne, ād be alſo yet livinge) by the wordes

of the

of the ſaide ſuppoſed will ys to inherite the crowne of this Realme, before the dawghters betwene her and the ſayde late duke of Suff. begotten. Which thing was neither intended nor ment by the makers of the ſaide Actes. Who can withe any reaſon or common defenſe thincke, that all the ſtates of the Realme aſſembled together at the ſaide Parliaméte, did meane to geve auctoritie to Kinge Henry the eight by hys lettres patentes or laſte Will, to diſherite the Quene of Scottes liniallie diſcéded of the bloude Roiall of this Realme, and to appointe the ſonne of Adrian Stokes, then a meane ſervinge man of the Duke of Suff. to be Kinge and governour over this noble Realme of Englande? The incóvenience wherof, as alſo of the like that might have followed of the pretenſed mariage of Maiſtre Keyes the late ſergeante Porter, I referre to the grave conſideratiós and iudgemẽts of the hónorable and worſhipfull of this Realme. Some paradventure will ſaie, that kinge Henrie the eight mente by his will to diſpoſe the crowne vnto the heires of the bodie of the ſaide Laide Frances by the ſaide Duke lawfullie begotten: And not vnto the heires by any other per-

ſon to be begotten. Wiche meaninge althowghe yt myght verie hardlie be gathered vpon the ſaide ſuppoſed will, yet can not the ſame be withowte as greate incõueniẽces as the other. For yf the crowne ſhoulde nowe remaine vnto the heires of the bodie of the ſaide Ladie Fraunces, by the ſaide Duke begotten: then ſhoulde yt remaine vnto two dawghters iointelie, they bothe beynge termed and certainlie accõpted in lawe but one heire. And by that meanes the ſtate and governement of thys Realme ſhoulde be changed from the auncient Monarchie, vnto the governemente of manie. For the title of the Ladie Fraunces beynge bywaye of remainder, wich ys compted in lawe a ioynt purchaſe, dothe make all the iſſue female inheritable alyke, and can not goe accordinge to the aunciente lawe of a diſcente to the crowne. Wich ys that the crowne by diſcẽte muſte goe to the eldeſte dawghter onlye, as ys afore ſaide. For greate differẽces be in lawe, where one cometh to any title by diſcente, and where as a purchaſſer. And alſo yf the one of thoſe iſſewe female dye, thẽ were her heire in the title, as a ſeverall tenante in taile. And ſo there ſhoulde followe, that ſo many dawghters

ters ſo manie generall governours, and ſo myght theire iſſewe beynge heyres females make the governemēt growe infinit, which thinge was moſte farre from the meaninge of the makers of the ſaide parliamente. What yf the ſaide Kynge had by hys laſte will diſpoſed thys realme in to two or three partes, devidinge the governemente therof to three perſons, to rule as ſeverall kynges? As for exemple, wales vnto one, the Northe partes vnto an other, the Sowthe partes vnto the thyrde, and by that meanes had miſerablie rēte this realme in to partes. Had this ben accordinge to the intēte and meaninge of the ſaide actes of parliament? or had yt bene a good ād ſufficiēt limitation in lawe? No verelie, I thyncke no man of any reaſonable vnderſtandynge will ſo ſaye. And no more can he eyther ſaye or thyncke of the remainder limited vnto the heires of the bodie of the ſaide Ladie Frāces, by the ſaide ſuppoſed will. Nowe to complete and finiſhe this our treatiſe rowchinge the Quene of Scotlandes title to the ſucceſſion of the crovne, as we have done, ſo lett vs frelie and liberallie graūte the aduerſaries that which ys not trewe: that ys, that the ſayde ſuppoſed vvill vvas ſigned vvith the kinges ovvne

hãde: Lett the heires of the Ladye Fraunces cõme forthe in godes name,& laye forthe to the worlde theire demaunde and ſuppoſed right,againſte the ſayde Quene of Scotlandes intereſte. The Quene on the other ſide, to forteſie and ſtrengthen her claime layethe forthe to the open ſight of all the worlde,her iuſte title and intereſt ſigned ãd alwayes a fore this time allowed,nor onlye as vvith the ſeales, but vvith the othes alſo, of all the kinges that euer were inEnglãde, taken at the time of theire coronation for the continuance of the lawes of this noble realme of Englande, Signed and allowed I ſaye,almoſte of all the vvorlde beſides: Yea ſigned with God ãd nature theire owne fingers. Her right ys as open, and as cleare,as the bright ſonne. Nowe to darken and ſhadowe this glorious light, What do the heires of the ſaide Ladye Frances or others bringe forthe to grownde theire iuſte claime and demaunde vpon? When all ys done,they are faine to rũne and catche holde vpon kinge Hẽrie the eightes written vvill,ſigned with his owne hãde. Well let them take as good hand faſte theron, as they can: But yet lett thẽ ſhewe to the ſaide Quene the ſaide originall vvill. Yt ys vvell knowen, that they

them

them ſelues haue ſaide, that, that to do they can not. Yet lett them at leaſte laye forthe ſome authenticall recorde of the ſame. Yt ys alſo notorious they can not. Yf then the fowndation of theire claime, beynge the vvill of ſuche a Prince, and of ſo late and freſhe memorie made neither the originall, nor yet any good and vvorthie recorde ſufficientlie authorited remaine of the ſame: By what colour vvill they exclude the ſayde Quene? They muſte claime either by ꝓximitie of bloude, or by charter. For the firſte, nature hathe excluded them, charter they haue none to ſhewe. They will perchance crye owte and complaine of the loſſe and imbecillinge of the ſame, and ſaye that ſuche a caſualtie ſhoulde not diſtroye and extingwiſhe theire right. This were ſome thinge perchance, yf yt vvere in a priuate mans caſe: Yt vvere ſome what yf theire demaunde did not deſtroye the common lawe, and the lawe of nature alſo. Yt vvere ſomevvhat yf theire ſuppoſed charter vvere periſſhed, or by any fraudulent meanes intercepted by the ſayde Quene, vpon vvhom in this pointe yt ys not poſſible to faſten any the verye leaſt ſiniſter ſuſpicion. Yt were ſomewhat.

yf they dyd not aſpire to take gayne and lucre. Or yf the Quene ſowght not to auoyde dommage. For dõmage yt ys, when any perſone ys ſpoyled of any ryght dewe to hym by lavve and reaſon. And there ys a greate oddes in the conſideration of the lavve and reaſon betwene avancinge our gaine (ãd gaine we do that, that doth growe and accrevve vnto vs by mere gyfte or legacie, as dothe the crovvne, to theis competitoures and heyres of the Ladie Frances) and eſchevvenge dõmage and loſſe. And loſſe the lavve accompteth to be, when we are defeated of our auncetours inheritãce. So that bothe beinge putt in the indifferent balance of reaſon, lavve, and conſciẽce, the dõmage ſhall overvveyghe the mere lucre and gaine. Yea I vvill ſaye more, that in caſe eyther the ſaide Quene of Scotlande or anie other were in poſſeſſion of the crovne havinge no ryght to the ſame, yet yf the iſſevve of the Ladie Frances had no farther nor better ryght, then theis pretended vvritynges, the defendant cleavinge to the onlie poſſeſſion, Were ſauf and ſuer, and vvere not bovvnde to ſhevve to them theire title. For yt ys a rule of the lawe, that yf the plaintiffe faile in his proufe, the defendãte ſhalbe diſchar-

Non eſt par ratio, lucra non capere, & damna ſentire. l. fi C. codicille & l. proculus ff. de dãno inflic. inſtitut. de leg. ſi res. de leg. fin. C.

l. qui accuſare C. de e-

diſcharged. Yea thovvghe he hathe no better ryght, then bare and naked poſſeſſion. Neither coulde they any thinge be relived, thowghe the pretēſed recorde of the chaun cerie vvere yet extante, not for ſuche cavvſes onlie as vve have ſpecified, but for divers other. For yt maye well be doubted, thovgh the ſaide recorde might beare ſufficient creditt amonge the ſubiectes of this Realme, Wether yt maye beare the ſame agaīſte one that ys no ſubiecte. Againe yt ys a rule, that the publike inſtrumēte makinge mention of an other, dothe nothinge prove againſte the partie in reſpecte of any thynge ſo mentioned, oneles the originall yt ſelf be producted. Yf therefore theis cōpetitours have loſte theire inſtrumētes and evidences, vvhere vpon they muſte of neceſſitie builde theire demaunde and claime to the excluſion of an other notorious ryght and tytle, they muſte beare the diſcommoditie therof that ſovvght there by theire lucrative advancement and commoditie, not the perſon that demaundeth nothinge elſe but that to *h*ym lavvfullie and orderlie ys devve. Yea they ād vve to, have good cavvſe to *th*inke that this thinge (in caſe anie ſuche vville vvere) ys vvonderfullie vvrovvght by

edendo. §. cōmodum Inſt. de interdict.

l. ſi quis in aliquo documēto, C. de edēdo.

godes permission and prouidence. For yt ys almoste incredible to heare and beleaue suche kinde of writinges and in so greate and weightie a matter as this pretensed will comprisethe, so sone extinguished and perished as yt were for speciall purpose, to preserue to this noble realme, the trewe ād syncere succession of the next royall bloud, vvhich yf yt shoulde be certaine, I can not tell vvhat enterlined papers and scrowles be deriued and transferred to any other vvrongfull heires. Yt wilbe a vvonderfull and strange thinge to the vvorlde to heare, and to importable to vs and to our posteritie to beare yt. Yt vvill then be so farre of, that that thinge vvhich the parliamente moste regarded in this cōmission shall by this pretensed vvill be procured and purchassed to this realme, as to haue a certaine knowen vndowbted lawfull gouernour & kinge, to haue striffe contentions and deuisions for the crowne cutt avvaye, that euē the verie thinge the parliament moste feared, ys moste infortunatlie and moste lamentablye like soneste to chance. He that remembrethe the tragicall procedinges of the last by name, ād not by right kinge Richarde, neadeth not gretelye to dowbte, but

that,

that, as he coulde finde in his harte to baſtarde his eldeſte brother, ād lavvfull kinge, and to diffame his ovvne naturall mother as an harlott, eauē ſo nowe there vvill ſome be fovvnde that vvill eaſelie be induced for the auancinge and ſettinge forthe of theire ſuppoſed right and title to the crovvne, to ſeake meanes to vvringe them ovvte, that ſhall vvrongfullye ſitt in the royall throne, And to ſeake to extorte the crovvne from theire poſſeſſion. Which vnhappie daye yf yt ſhould ons chāce (as God forre bid) then maye vve crye owte and ſinge a vvofull and dolefull ſonge: Then maye vve, not vvith ovvte cauſe, loke for the botomleſſe Ocean ſea of infinite trobles, miſeries and myſcheiffes to o'vvhelme the realme, The vvhiche my mynde and harte abhorrethe to thincke vpon, and my penne in my hande tremblethe to vvrite therof.

The ende of the ſeconde boke.

THE THYRDE BOOKE, WHERE IN YS DECLARED that the regimente of whomen ys conformable to the lawe of God and nature.

ALBE yt (good Reader) you haue nowe hearde a conueniente and a ſufficiente prouf, ſo farre as the lawes of this realme maye ſerue, for the right title & claime of the Quene of Scotlande and ſo we might right well ſeame to haue fullie diſcharged our promiſſe and office: Yet as the matter nowe fallethe owte, eſpecially yf we ſhall geue any creditt to an infamouſe libell, or rather a fier brande of ſedition late caſte abrode, all our coſte ys for lorne, all our trauaile imployed in vaine, we muſte begine a freſhe, for all this not withſtandinge, her right ys dowbtefull (ſayeth this man) and ſuche as againſte whiche ys iuſte exception taken by the lawe of God and man. Yt vvill neuer be proued by the lawe, no, not by her beſt frendes: ſo will the crowne neuer be geauen het by iuſte and com-

An infamouſe lybell made lately againſt the Quene of Scottes.

common counſayle. I meane not the conſente of vnquiet ſpirites and brawlinge braines, but of a greate nomber of them, vvhiche are to be accompted amonge the beſte, for the loue of religion, and of the common vvelthe. Suerlye theis are iolye vvordes: this ys confidentlie ſpoken. But yet lett vs heare with all vvhat proufes this ſober braynde man, and ſo feruente a zelatour of religion, and of the cõmon welthe bringethe forthe, for the auouchinge of his ſturdye allegation. What lawe, what acte of parliamente, what cuſtome or vſage, what auncięte recorde of hiſtorie of this realme, dothe this man laye forthe for him ſelf? Suerlye none at all. And as he layethe forthe not ſo muche as one Iote this waye: ſo no doubte he ſhall neuer be able to laye forthe any thinge of like vveight as that, that alredye ys aleaged. No, no, good Reader, this man goethe not by acte of parliamente, nor by anye lawe of this realme, nor what ſoeuer he ſpeakethe of mans lawe for a braue countenance, by ciuill or by any other humane lawe. Thys extraordinarie wilye fellowe runethe an other race, all theys lawes are but beggerlie baggage to him, and argumentes of brawlinge braines. This ſober

brainde

brayned man vvill not abaſe him ſelf, withe intermedlinge vvith ſo lavve matters, but aſpirethe and amowntethe a lofte, and fetchethe a marvelouſe hyghe fetche and reache, ād beinge as yt were ghoſtlie rauiſſhed, conteninge as it ſeameth all humane lawes ād polices, he makethe, as yt were a plaine demurre vvith vs in lavve, that We haue pleaded our matters all this while in a vvrōge courte. For lo, this matter by this ſober mannes iudgemente ſeameth not triable either in the Arches, or cōſiſtorye of Pawles by the Ciuill or Cānō lawe: or in weſtimiſter hall by anye lavve or acte of pliamente. This plee muſt be onlie mainteined vvithe the recordes of holie ſcripture, but of his owne ſober braines interpretation onlie, ād holden before him ſelf, and his newe erected tribunall, furniſſhed and adorned vvithe ſuche quiet and ſober ſprites, as him ſelf ys. The infallable veritie, the highe Maieſte of the ſacred ſcriptures, I do moſt hartelye cōfeſſe and moſt humblye reverence. But yet yf ye will intrude your ſelf to be the ſupreame arbitror and vmpier therof, ād therebye wretchedlie will abuſe your ſelf and others withe the promulginge from your nevve tribunall ſeate, ſuche and ſo ſtrange paradoxes

The authour of the ſame ſeamethe litle to regarde touchinge the ſucceſſiōof the crowne, anye lawe but holie ſcripture.

doxes and ſentéces, to the vtter overthrowinge of all humane policies and lavves, yea to the preſente and imminēt danger of our ovvne maiſtreſſe and Quene (as ye do) we muſte be ſo bolde to ſee vvhat vvarrāte and cōmiſſion you haue, and to examine & well to vewe the ſame, we muſte buckle withe you ād trye, whether the authoritie of holie ſcripture, which ys your onelye refuge, will vpholde and beare ovvte your ſtrange and ſtowte cōcluſion. The place then wher vpō he growndeth him ſelf ys this. Thowe ſhalt make him kīge over the, whō the lorde thy God ſhall choſe frō amōge thye bretherne: him ſhallt thovve make a kinge amōge thē. From this aucthoritie he fetchethe owte all his highe myſticall & ſupnaturall cōcluſiōs: and firſte he excludeth the Quene of Scotland by cauſe ſhe ys an Alien and not *ex fratribus*. And therefore not choſen of God. Wherevnto he addethe that the Kinge muſte be ſuche, as the people maye ſaye to him, as the Iſraëlites ſaide to kinge Dauid. *Ecce os tuum & caro tua nos ſumus*. We are of one nation and bloude. There vnto he adioynethe, that yt ys aſſigned as one iuſte cavvſe, Whye Athalia, was turned owte of her kingdome by cauſe ſhe vvas Alie

He growndethe him ſelf chefely vpon the: 17. of Deut.

2. Sam. 5.

2. Reg. 11.

Alienigina, an alien: *Maternum genus ducens a Tyrijs & Sidonijs*. Theys nowe are all the proufes deduced by this mā owte of holye ſcripture, for other hathe he none, vvhye the Quene of Scottes beynge a ſtranger owght to be diſherited, ād reiected from all ſuche claime, as ſhe p̄tēdethe to the crowne of Englande. Nowe for anſwere, and firſte to the 17. of Deuteronomie, wherein as I will not quarell with you for the ſhrewde meaninge that perchance ſome man maye probablye gather owte of this treatiſe, and ſmall likinge that ye haue to the gouernemente proceadinge from ſucceſſion onlye: ſo I plainelye affirme, firſte that we are not bownde to the ceremoniall, or iudiciall, or other preceptes of the Iewiſhe lawe (except the Decaloge) farther then the churche or ciuill policie haue renewed and reuiued againe. I ſaye then farther, that thys authoritie of the Deuteronomye can not fittlye ſerue your purpoſe, for that yt takethe place when the people choſethe a kinge, and not when there ys a lawfull and ordinarie ſucceſſion, As vvas euen amonge the Iewes from kinge Dauidis time, albe yt he and kinge Saule before him came in by goodes and the peoples ſpeciall election.

An anſwere tovchinge the 17. of Deut.

Where-

Wherfore I do admitt your principle to be vvell grownded vpon ſcripture, that the choiſe and election of Princes muſte be directed ād measured by godes holye worde, will, and pleaſure. What then? I wolde fayne knowe, by what logike, by what reaſon a man maye thus conclude: We owght to choſe no ſtranger to our prince, Ergo a ſtranger thowghe he be the iuſte and nexte inheritour to the crowne, muſte be diſplaced. The one dependethe of our owne free will and election, which we maye measure and rule, as vve ſee good cauſe. The other hangeth onlye vpon the diſpoſition and prouidence of God. There we maye picke owte choice: Here we muſte take ſuche as God ſendethe. There conſente bearethe the ſtroke: Here proximitie of bloude bearethe the ſwaye. There vve offer no iniurie to any partye in acceptinge the one, and leauinge thother: Here do we iniurie to God that dothe ſende, and to the partie that ys by him ſente. And to ſaye the trewthe, it is but a maleparte controulemente of godes owne direction and prouidence. For in the former parte we be the choſers, and muſte directe and gouerne our choice by reaſon and diſctetion, by the merite and worthines

Greate difference betwene ſucceßion & election.

of

of the perſon: Here all the choice, all the voices are in godes hande onlie. As good right hathe the infante in the ſvvadlinge clowtes, as hathe any man called at hys perfecte age ād wiſedome. Yt ys a trewe ſaiēge. *Chriſtiani ſimus*, we are made chriſtian men: we are not borne chriſtian men; *Non naſcimur*. But in this caſe of ſucceſſion. *Reges naſcuntur, non fiunt*, mē are borne and nor made kynges. Let this fellowe therefore cōclude as ſtrongelie as he can or will againſte the choſinge of ſtrāgers: Yet yf he brīge forthe no place oute of ſcripture againſt the ſucceſſion of a ſtranger claiminge by proximitie of bloude Royall, as farre as the man ſhotethe, he ſhotethe to ſhorte to hitt the marke. But lorde what an yll fauored ſhorte ſhote will yt be accōpted, yf ſhe be fownde no ſtranger at all? Yt ys verye probable that in this place the ſcripture meanethe of a mere forener and ſtranger: ſuche as were neither borne in Iurie, nor of the Iewiſhe bloude. For with ſuche aliens they were forbidden alſo to cople in mariage, by reaſon they were Idolatours, ād might thereby thē ſelues be occaſioned (as they were often times in deede) abādone and forſake theire trewe and ſincere religion. Suche a ſtrāger,

Auguſt. de merit. & remiſ. pec. cōtra Pel. l. 3. c. 8. & 9 tom. 7. & ī queſti. ex nouo teſt c. 8. tom. 4

I am

I am well assured, this Ladie ys not to vs yf she be any stranger at all. The Scottes and we be all christians and of one Ilande, of one tongue, & almoste of one fashions and manners, customes an lavves: So that we can not in any wise accompte them amonge suche kinde of strangers that this place of Moyses mentionethe, namelie the Ladye Marie the Quene of Scottes, beinge not onlie in harte well affectioned and minded to all Englishe men (as hathe by manie experimentes bene well knovven) But also by discéte and Royall bloude all Englishe, which she takethe from the noble kinges longe before the cõqueste, and after the conqueste, from the worthye Princes Henrie the firste, and Edwarde the thirde, and of late dayes, from the excellente Prince kinge Henrye the seaventhe, and hys davvghter Ladye Margaret her grand mother. All vvhiche causes withe some other in suche number concurrante, ovvght rather to enforce vs to thincke, and to take her, as no stranger to vs, then to estrange her from vs, by the onlie place of her Natiuitie: Whiche ys yet nevertheleſſe vvithin the fovver seaes, and verie nighe to Englande, by Osbrede bovvndinge at Sterlinge bridge. Laste of all tovchinge the foresayde chapter of Deutronomye we affirme,

The Quene of Scottes no strãger.

that yt ys vntrewe that ye saie, aswell that this lawe of gouernemẽte bindeth our kinges to the havinge and followinge of thys lawe, as we have saide, vnlesse to omitt other thinges, ye wolde bynde our kynges also, to receaue the deuteronomie, at the hãd:s of the levitticall tribe, as that ye saie that God gave here a lawe to the Iewes, to make, or chose a kĩge, and so cõsequentlie all your illatiõs owte of thys place seame to be of small force. For to saie the trewthe, as god neither gaue thẽ this, or anye other lavve, for chosenge of a kinge, nor did bidde, or will them to chose a kinge: so did the people moste grevouselie offende God in demandinge a kinge. For (thowghe by the Iudgemẽte of Aristotle ãd other Philosophers) a Monarchie wel ãd orderlie vsed, ys the beste kinde of all other regimentes (which God dothe also well like) yet wolde he have no suche magistrate amonge the Iewes. But as he chose them for his proper, peculier and selecte people, and ruled them aswell in the deserte, as in Iudęa, by a severall peculier, ãd distincte order ãd governemẽte from other natiõs, and after suche wõderfull and miraculouse sorte, as the like was never harde of in anye regimẽte besides: so wolde he also reserue to him self onlie, the saide supremacye and monarchye. Neither was he a

3. *Politic.*

litle

itle angree with the Iewes, nor they cõmited any ſmall fault, but (as yt were) renovvnced and reiected godes ovvne monarchie in cravinge a kinge, as holie ſcripture plainelye and openlie teſtifiethe. *Non te (inquit) reiecerũt, ſed me ne regnem ſuper eos.* And the people afterwardes acknowledged theire fault. *Addidimus vniuerſis peccatis noſtris malum, vt peteremus nobis regem.* God therefore did not bidd them, or will them to choſe a kīge, but foreknovvenge longe before by hys eternall foreſight, what they vvolde do, (thovvghe contrarye to hys bleſſed vvill and pleaſure) did in this, as in other matters, beare vvithe theire vvekenes, and condiſcended vnto the ſame. And foretolde them in this ſayde, 17. chapter, that in caſe they vvolde nedes haue a kinge, of what kinde ād ſorte he ſholde be. And therefore immediatelye before the wordes that ye recite (thowe ſhalt make him a kinge over them) ys this texte, *Cum ingreſſus fueris terram, quam dominus Deus dabit tibi, & poſſideris eam, habitaueriſque in illa & dixeris: Cõſtituam ſuper me regem ſicut habent omnes per circuitũ nationes, eũ cõſtitues. &c.* And vvhē thowe ſhalt come into the lāde vvhich the lorde thie God geaveth the, ād ſhall poſſeſſe yt ād dwell therin, yf thovve ſaye I vvill ſett a kinge over me, like as all the natiõs that are abowte me, 1. Reg: c. 8. 1. Reg. 12.

then thovv ſhallt make hym kinge over the whom, &c. Which wordes makinge for the illuſtration of this place, ye have omitted. Wherefore, as this place ſervethe nothinge, for any abſolute electiō of a kinge, the which you ſeame eſpeciallie to regarde ād grownde your ſelf vpō, ſo dothe yt (as we have ſhewed, as litle relieve you, to prove thereby your concluſions, eſpeciallie againſte the ordinarie ſucceſſion, either of a ſtrāger, or of a woman, that ye wolde gather and cōclude, owte of the ſame. Thus have we ſufficientlie anſwered the place of Deuteronomie for this one purpoſe. The other two auᵭhorities maye be muche more eaſelie anſwered. The people mente nothinge elſe by theire ſayde wordes ſpoken to David, but that they were of the ſeede of Abraham, Iſaac, and Iacob, as well as he, and intended with trevve and ſincere hartes vnfainedlie to agnyſe him, as theire cheif lorde ād Sovereigne. For at that time the tribe of Iuda onlie (wherof kinge Dauid came by liniall diſcente) did acknowledge hym as kinge. Novve the reſidevve which before held vvith Saules ſonne, did alſo incorporate ād vnite them ſelues to the ſaide kingdome. Yf this man loke well vpon the matter, he ſhall finde I trowe, that the Quene of Scottes maye aſwell call her ſelf

An anſvvere to the ſecōde of Samuel 6.5.

the

the bones and fleshe of the noble Princes of Englande, as this people call them selves the bones and fleshe of kinge Dauid. But yet the greate terrible batterige cānō *Athalia* ys behīde. She beinge in possessiō of the kīgdome, seauē yeares, was iustlie thrust owte, by cause she was an alien: we maye then, sayethe this man, iustelye denye the Quene of Scottes before hande the right of that, which yf she had in possession, she coulde not iustelye enioye. Yet Syr, yf the Quene of Scottes be no alien, as we have sayed, then ys your cannon shotte more fearefull then dangerouse. We denie not, but that *Athalia* was lavvfullie deposed, but we beseache you to tell vs your authours name, that dothe assigne the cause to be suche, as ye alleage. Suerlie for my pte after diligente searche, I finde no suche authours. Truthe yt ys that Iosephus writeth as ye do, that she discended by the mothers side of the Tyrians and Sydonians, yet never theleste he assignethe no suche cause as ye do: And as ye are in this your pretie poisoned pamflett the firste, I trowe, of all christian men (I Will not excepte eyther latine or greke, vnlesse yt be some fantastycall fonde and newe vpstarte Doctours, as Maistre Knoxe or some the like: neyther Iewe, Chaldyan nor Arabyan) that hathe

Iosep. Iud. antiq. li. 9 c. 6.

hathe thus ſtrangelye gloſed and deformed this place of the holie ſcripture, againſte the ordinarie ſucceſſion of vvomen Princes, ſo are you firſte alſo, of all either deuines or lawiers throughe owte the world, that hathe ſett forthe this newe fownde foliſhe lavve, that the kinges childe muſte be counted an alie, vvhoſe father and mother are not of the ſame and one cõtrey. Yf the Frenche or Spaniſhe kinge chance to marrye an Engliſhe vvoman, or the kinge of Englande to marrie a frẽche, a Spaniſhe, or any other cõtrey woman, theire children by this newe Lycurgus are Aliens, ãd ſo cõſequentlie in all other nations all ſuche as haue bene ſhalbe aliens, by this your newe oracle. For vvhat other cauſe ſhewe you, that this Athalia was an alien, but by cauſe her mother vvas an alien *Genus ducens*, ſay you a *Tyrijs & Sidonijs*, cõminge by liniall diſcente, by the mothers ſide, from the Tyrians and Sydonians. Kinge Achas maried her mother, dawghter to Ithoball kinge of the ſaide Tyrians and Sydonians. This Athalia, vvhom Ioſephus callethe Gotholia, Achas dawghter married Ioram kinge of Iuda (her brother called alſo Ioram beynge kinge of Iſraël) after the deceaſe of his father Achas. So then ye ſee that this Athalia vvas no more an alien amõge the Iewes, then kinge Edbal-

A newe fownde ãd mad interpretation, who ys an alie made by the vdverſarie.

Ioſep. li. 9. cap. 7.

Athalia was no alie amõge the Iewes.

dus

dus was, the ſonne of Bertha a Frenche wo-mā, and of kinge Ethelbertus, the firſte chriſ-tian kinge of the Engliſhe nation: No more then vvas the noble kīge Edward the thyrde, borne of a Frenche vvoman: No more then Quene Marie vvas: No more then ſhoulde haue bene the iſſewe of the ſaide Quene Ma-rie, or our gratious Souereignes iſſewe ſhulde be, in caſe ſhe maried with any forren Prīce. I pceaue that your fellowes, that wolde faine make kinge Shephen and kinge Henrie the ſeconde, and Arthure nephewe to kinge Ri-charde the firſte, aliens, had but rude, dull and groſſe heades in compariſō of your fine, ſub-tile and highe fetches. Yf I ſhoulde nowe de-ſire your patience, not withſtandinge the allegatiōs of all your diuinitie, to be contēte a while, and towchinge this matter to hear-ken to the moſte excellente ciuilian Vlpian, thowghe he were an Ethnick, ye wolde par-chance make litle accompte of him, and be angrye withe me for producinge a prophane witnes againſt you. And yet trewlye in this I offerre neither to you, nor yet to godes ho-lye vvorde any iniurie in the vvorlde. For Chriſte his highe and deuine doctrine dothe not ſubuerte nor impugne humane or ciuill policie, beynge not repugnāte to his ex-preſſe worde & wyll. Let vs then heare whō

Who is an alie̅ by Vlpian.

the ſaide Vlpian maketh an Alien, & whō he definethe to be an Alien. He ys a Campane (ſayethe this Vlpian) that ys borne of father and mother, beinge Campanes: Yea yf his father be a Campane, and his mother be a Puteolane, yet ys the childe a citezin or burgeſſe of Campanie. And then he ſhewethe farther, that in ſome contreyes, as amonge the Ilians, the Delphians, and them of Pontus, the childe ſhalbe cownted to be originallye of the mothers, and not of the fathers contreye. His wordes in latine as he wrote them are theis. *Qui ex duobus Campanis parentibus natus eſt, Campanus eſt. Sed ſi ex patre Campano, matre Puteolana æquè municeps, Campanus eſt, niſi forte priuilegio aliquo materna origo cenſeatur: tunc enim materna originis erit municeps, vtpote Ilienſibus conceſſum eſt, vt qui matre Ilienſi eſt, ſit eorum municeps. Etiam Delphis hoc idem tributum & conſeruatum eſt. Celſus etiā refert, ponticis ex beneficio Pompeij Magni competere, vt qui Pōtica matre natus eſſet, Poticus eſſet.*

L. 1. ff. ad muni. c. 1. pec.

Whiche his ſayenge ys directe againſt you, for this your ſtrange declaration of *Alienigena* an alien. Well yf neither the declaration of Vlpian, nor yet the practiſe of the worlde, moſt conformable alſo to reaſon, nor any thinge elſe will ſatiſfie you, vnleſſe yt be deriued and taken owte of holye ſcripture:

we are cõtente to ioyne issewe with you, ād to be tried by the same onlye. Christe came liniallie of Booz, whõ Salmõ begatt of Raab (as the moste cõmon opinion of writers ys) that betrayed Hierico to Iosue, And maye we nowe saulfly thincke that this Booz was a stranger, an Alien, and no Iewe? And so with all infringe, breake, ād puerte the genalogię of Christe, and the continuall succession of the Iewes Christes ꝑgenitours? Ye knowe that as Athalias mother was a Tyrian or a Sidonian: so was Ruthe a Moabite. This Ruthe maried the foresaide Booz. I aske you nowe agayne, Whether Obed the sõne of the saide Booz ād Ruth, were aliés amõge the Iewes? Yf you saye he was not, then must you nedes cõfesse the same of Athalia. Yf you saye he was, then the holye scripture makethe euidẽtlie against you: For of this Obed Christe came liniallye. And yf you steppe forewarde as you lustelie beginne, a foote or two more, ye will, or as well ye maye make kinge Dauid also, to whom Obed was grande father, yea and Christe him self, not muche better then aliens. And so hath Athalia at length spunne a fayre threde for you. We denye then that this Athalia vvas an alien amonge the Israëlites, and therefore she coulde not be barred from anye inheritance devve vnto

Matt. 1. & Iosue: 6.

Dauid ād Christe discẽde of Obed Ruthes sonne

4: Reg. 11.

vnto the dawghter, amonge the children of Israël. Neyther was she removed from the kingdome, as this sober mā beinge best awaked dreamethe, by cause she was a stranger: but for that she moste cruellie ād vnnaturally slayēge ād murtheringe her owne nephewes the sonnes of her sonne kinge Othozias latelie kylled, of Iehu by shamefull meanes, vsurped her self the crowne, apperteininge to her nephevve Ioas, vvho by the prouidēce of God, was (she beinge vsurper of yt) preserued from her butcherye. And after seaven yeares by the helpe of Ioada the highe priest vvas anointed kinge, and she depoted, & worthelie putto deathe. And this cause dothe appeare eaven in the verie chapter and place, that thys quiet and sober man dothe so soberlie against the brawlinge braines alleage. As for the cause he him selfe proponethe: we vvill not sticke vvith him to geue hym a longer daye, to fetche owte and shevve vs his recordes, & his authours at hys good leasure. Wellthis stringe will not serue hys bowe. We will therefore listen againe to him and consider hovve well he harpethe vpon the next stringe: Whiche suerlie dothe geve as yll fauored a iarringe, and as vntunable a noise as the firste, or rather morevntunable. Wherein our good quiet brother dothe so straine and

Whie Athalia was deposed.

wreste

wreſte this vvorde (*ex fratribus*) amonge the bretherne: that he wreſteth avvaye not onlie the right and intereſte the Quene of Scottes pretendethe to the ſucceſſion of the crowne: But dothe vvreſte with all the crowne frō all Princes neckes that haue bene, are, or ſhalbe women: And of all ſuche as haue, do, or ſhall claime theire inheritance, by the title and intereſte of theire motheres. which cān haue no better title, thē theyre progenitours from whom they clayme. For amonge hys newe notable notes that he noteh owte of thys ſeavētēthe chapter of deuteronomie, for the choſinge of a kinge, vve maye note (ſayethe he) the ſexe by the maſculine gender vſed in this vvorde *ex fratribus*, for vnder the other ſexe *Ataxia* moſt commonlie creapethe into the ſtocke and contrie. He ſayethe alſo aftervvarde, Thys politike lavve that God did geue the Iewes, ys grovvnded vpon the lawe of nature, and ys alſo as everlaſtinge as nature yt ſelf ys, and ys of all naturall men to be obſerued. Yt ys (ſayethe he) of nature that the preſcribed ſexe ſhoulde governe the other: He meanethe vvomen ſhoulde be gouerned. Then he knitteth vppe the concluſion of his nevve peſtiferouſe policie: vvhiche I conclude, that godes lavve, nature and good reaſon do reiecte the Quene of Scottes and denie

An vnbrotherlye and fonde ſtrayninge of theis vvordes ex fratribus.

denye her that kingdome, which she vvolde so faine possesse. Who vvolde euer haue thowght that such a quiet sober braine, owte of this one worde *fratrib⁹*, could haue fownd in his harte so vnbrotherlye, yea so vnchristianlye, and so fondlye vvith all, to extorte suche an interpretation, as ys able (Yf yt were receaued) to disturbe, infringe, and breake the quiet and lawfull possession and inheritance of a greate parte of the Princes of the vvorlde, and especiallye of his owne and our gratiouse and Souereigne, good Ladye and Quene. Yea and as fondely and vnnaturallye to frame of him self a nevve lavve of nature also: And so moste vvretchedlye to corrupte, depraue, and mayme bothe the lavve of God ād nature. Yet by cause this man geueth owte his matters as yt vvere compēdiouse oracles, ād leste some might thincke, that suche a sober man hathe some good and substantiall grovvnde in this his sayenge: seinge he ys so bolde vvith his ovvne gloses vpon the holye scriptures: I vvilbe as bolde vpon him a litle, to siste & examine the vveight and veritie of them. And firste tovvchinge the lavve of nature, which he makethe as a picke axe to vndermine the state of so manye Princes, & of his ovvne Souereigne vvith all: We might here enlarge manye thinges hovve and in vvhat

An answvere to the aduersarie towchinge the lawe of nature vvhiche he vvresteth against vvomens gouernemente.

what ſorte the lawe of nature maye be takē: but vve vvilbe therein compendiouſe and ſhorte. The lawe of nature cōmonlye ys proper and appteininge aſvvell to other liuinge thinges as to man. As Vlpian the notable lavvier vvritethe. There ys an other lavve, that ys called *Ius gentium*, the lavve of all nations, And yt ys called alſo the lavve of nature, by cauſe the diſcourſe of naturall reaſō forcethe all nations to obeye and kepe this lavve, as to honour God, to obey our parētes & magiſtrates, to kepe and maynteine our bargaines & ꝓmiſes ī biēge and ſellinge, & in other cōtractes, to defēde our ſelues frō violēce & iniurie, with a nōber of ſuch other. I ſuppoſe the aduerſarie meanethe not of the firſt kīde, but of the ſecōde: Wherof he muſte neades meane, yf he meane to ſpeake any thinge to the purpoſe. I ſaye then that this ys a falſe, & an vnnaturall aſſertiō, to make this ſurmiſed lavve euerlaſtīge as nature it ſelf is. The lavve of nature or *Ius gentiū*, ys and euer Was after the time that there Were any natiōs or people, & euer ſhalbe. This cōterfeate lave of nature neither ys, nor euer vvas, nor as farre as reaſō maye reache to, euer ſhalbe. Yt ſhalbe inowghe for vs to ouerthrovve & caſte vnderfote this counterfeate lavve: to ſhevve and proue that vvomen haue from time to time

l.1.ff.de iuſtit.& iure. L. veluti l. ex hoc l.ōnis eod. Eſt cm̄ hęc nō ſcripta ſed natalex: quam non didicimus, accepimus, legimus, verùm ex natura arripuimus, hauſimus, expreſſimus, ad quā nō docti ſed facti, non īſtituti, ſed imbuti ſumus: vt ſi vita nr̄a in aliquas inſidias, ſi in vim, in tela aut latronū aut inimicorū incidiſſet, omnis honeſta ratio eſſet expediendæ ſalutis. Cicero pro Milone.

time borne princelie regimente in the moſte notable partes ī the worlde, ād in the beſte ād moſte famouſe common wealthes that euer haue bene. For the knowledge wherof, I referre the Reader to aunciēte hiſtories, beinge the noble regiſters of antiquitie, whiche do plainelie teſtifie the ſame to haue bene oftē practiſed in Aſia, Aphrike, ād Europe. Cōcerninge Aſia, I finde that Artemeſia who builded the Sepulcre of her huſbāde Mauſolus one of the notable ſpectacles & wonders of the worlde, and her ſiſter Ada with others reigned in Caria. This Ada beīge thruſte owte was reſtored by Alexander the greate. The contrey alſo of Pandea ī India was gouerned by women. The gouernemente of the Quene Semiramis & Nicocris in the empire of Babylō. Of Quene Thomyris amōge the Maſagites, ys to theire greate praiſe and cōmendation in aunciente monumentes recorded. Ioſephus maketh mētiō of Helena the Quene of

The practiſe of womans regimēt in Aſia, Aphrica, ād Europa.

Quene Artemeſia.

Quene Ada.

Vvomans regimēt in Pandea a contrey of India.

Quene Semiramis and Nicocris.

Quene Thomyris.

Helena.

Solinus in collect.

Plinius lib. 6. cap. 10.

Arian. lib. 8 geſt. Alex.

Ma. Iuſtinus lib. 1.

Herod. lib. 1.

Strabo. lib. 16. Geogra.

li. 16. Ioſep. lib. 20. cap. 2. Antiq. ca. 20.

Euſeb. lib. 2. ca. 12.

Ruff. eccle. hiſt. l. 2. c. 6.

Clem. Alexand. lib. 1. Stromat. 1.

Iuſtin⁹ li. 1.

Strab: geographe. lib. 14.

ne of the Adiabēy. Eutebius, of Mammia the Quene of Sarazēs. Atossa was gouernesse of the Persians, a moste excellente woman also for learninge. Yt maye also appeare by the storie that Iustine writethe of Astyages the kinge of the Medians, that in Media the woman supplied the lacke and wante of male children in the princelye gouernemente. There is mention made also of Erato whom the Parthians did chose to be theire Quene. We will nowe make vppe our conclusiō for Asia with Claudianus verse.

Mammia.

Womans regimente in Media

Quene Atossa.

Tacitus li. 2. statim a principio.

Quene Erato.

Claudian⁹ li. 1. in Eutropium.

Medis lenibúsque Sabæis
Imperat hic sexus reginarúmque sub armis
Barbariæ pars magna iacet.

Strab. lib. 12. & 17. Iust. li. 18. Diado. Sic lib. 1. ca. 2. & 4, 19.

OWte of the which we haue purposelye lefte Iudæa, reseruinge yt a principall helpe, for the vtter ouerthrowinge of this mans fantasticall interpretation of the foresaide worde *fratribus*. In the stories and monumentes towchinge Aphrike, we reade of Quene Dido at Carthage, Cleopatra ī Ægypte, & of diuers other Quenes there. The first kinge of Ægypt was Osiris, who in his absēce cōmitted the whole regimēte to his wife Isis. In Æthiopia where reigneth a mightie Prīce a christian man, and one that hathe manye kinges subiected to him, not many yeares sithens in the nonage of kinge Dauid, his grād mother

Womans regimēt in Aphrike.

Quene Dido.

Quene Cleopatra.

Quē. Isis.

Damianus a Goes de morib⁹ & fide Æthioph.

mother the Que. did moſte politikelie wiſelie and godlie rule theis realmes. And yt appearethe in the olde ſtories that ī chriſtes tyme ád before, that cõtrey had no other princes thẽ womẽ, which were called all *Candaces* ſuch a one reigned there abowte the time of Chriſtes paſſion, whoſe cheif ſeruante vvas conuerted to Chriſtes faythe by ſainte Phillippe. By vvhoſe meanes the Quene alſo vpon his retorne, became with her ſubiectes a Chriſtiá vvomá: And that ys thovvght to be the firſt contrey, that publikelie embraced the faythe of Chriſte. And ther vpon the ſayenge of the Prophet Dauid ſeamethe to be verified, ſayenge *Æthiopia preueniet manus *eius Deo*. And yet that not withe ſtandinge owre worthie Brytanie amonge all the Princes that vvere of the Romane empire, hathe therof the noble prerogatiue. Women vvere the cheif magiſtrates amonge the Teneſians and Sebrites. In the time of kinge Salomon, † the noble vvomá, that came from the vtter moſt parte of the earthe to heare the vviſde*me of the ſaide Salomõ, whom the olde teſtamente callethe the Quene of Saba: the newe teſtamente the Quene of the Sowthe: was a

Beda: c. 8 ī Act. Apoſt.
Euſeb. l. 2. eccl. hiſto. cap. 1.
Plini⁹ l. 6. cap 29.
Strab. l. 17
Act. Apo. cap. 8.
Dorethe⁹ de vita & obitu prophet. & A.
Hier. c. 52.
Eſaie. Hil. in pſa: 67.
Euſeb: l. 2. cap. 1.
Sabellic⁹.
Srabo. lib. 16.

* Æthiopia the firſt chriſtned amonge other cõtreyes, but Britania the firſt amonge the Prouinces of Rome.

† Womans regiment in Aethiopia the Quene of Saba.

*3. Regum 10. & 2. Par. 9. Matth. 12. & Luc 11.

vvas a Quene, and as Ioſephus writethe the Quene of Æthiopia and Ægypte, contreyes of ſuche greatenes and largenes, as no one Prince throvvgh ovvte all our Empire, hathe ſo ample dominion vvith in the ſame. Parchaunce her dominion did ſtretche to Cephala, vvhiche dravvethe vvell tovvarde the fartheſte parte of Aphrica. Whiche interpretation ſeamethe not farre a ſquare from the vvordes of the holye ſcripture, from thence, as the Annales of the ſaide contreye recorde, Salomãs ſhipps euerye thirde yeare browght meruelouſe plentye of golde and ſiluer: other ſuppoſe that the ſaide nauie vvente to the late founde landes of the weſte India, eſpeciallie to the Ilande nowe called Spaniola. I finde in the ſaide Aphrike one ſtrange and founde kinde of people called Buaoi, where men gouerned men onlye and womẽ gouerned women onlye. And yet vvere not they ſo harde maiſters to vvomen, as ye are, nor thowghte womens regimente (as ye do) to be againſte nature. And to finiſhe this ſeconde parte, yt ſeameth by Lucane that in theys quarters of the vvorlde, yt vvas no newe or ſtrange thinge to ſee a vvoman a Princee, as appearethe by theys vvordes of Quene Cleopatra.

Ioſep. Antiq. Iudai. lib. 8. ca. 2.

Salomans ſhipps fetched golde from Cephala.

Stobeꝰ ſermo. 42. ex Nicolao de moribꝰ gẽtium.

Luc. li. 10, Iustin. l. 14 & 20.

Non vrbeis prima tenebo
Fœmina Niliacas: nullo discrimine sexus
Reginam scit ferre Pharos.

Vvomans regiment in Europa.

AS for Europe, as yt ys better knowen to vs, so therein haue we with all greater store of examples of this kinde of gouernemente. In Epire, yt appeareth he by Olympias dawghter to Pyrrhus: In Macedonia where a woman called also Olympias succeded after the deathe of Alexander the greate: Yea and in the greate and famouse empire of Cõstantinople, where Irene, Theodora, Zoë an other Theodora, and Eudocia were the cheyf and highe magistrates. The laide secõde and laste Theodora answered the Ambassadours her self, and iudiciallye in her owne person gaue sentẽce, as well in publike as in priuate causes. Whose gouernement was also prosperouse happie and fortunate. More ouer yt appeareth that the Illyriãs and Slauons were ruled by Quene Teuca, what shall I speake of Spaine and Portugale, of the Dukedome of Burgũdye ãd of the Erledome of Flaunders, and of other partes of lower Germanie? Conrade the Duke of Frãconye and Lãtgraue of Hesse vvas made countye Palatine of Rhene and Duke of Lorrãne, by the inheritance of his wife Irmelgardis. He had but one daugh-

Quene Olympias in Epire.

Olympias Macedonia

Irene.

Theodora

Eudocia.

Zono. tom 3. Annal.

Plini. l. 34 cap. 6.

Womẽs regiment in Spaine Portũgale, Burgundie ãd Flaunders

Irmelgardis daughter of Conrade Duke of Frãcon.

Munster Cosm. vniuersal li. 3. pag. 620.

ter, who was maried to Cõrade duke of Sueuia, whereby he was made comtye Palatine of Rhene. This Conrade had a dawghter called Agnes maried to Hẽrie Duke of Saxonie and Limeburge, who thereby enioyed the countie Palatine. The like maye be sayed of diuers other partes of the Germanicall Empire. Yea a vvoman hathe ruled and gouerned the saide vvhole Empire, as yt ys euidẽte in Agnes the vvif of the Emperour Henrie the thirde, duringe the time of the minoritie of her sonne Hẽrie the fowrthe. And yet the same Empire, ye wote well passeth by choise and election, and not by liniall succession of bloude. Yea manye hundrethe yeares ere she was borne, and in the floreshinge time of the olde Romaine Empire, Mesa Varia grãdmother to the Emperours Heliogabalus and Alexãder Seuerus, sat with the senate at Rome, hearde and examined the vveightie causes of the Empire, and sett her hand also to suche thinges as passed towchinge the publike affaires. I do nowe adioine the kingdome of Sicilie, and Naples in Italye of the vvhich Italye, Noah (vvhome the prophane vvriters call Ianus) made Crana his dawghter ruler ãd Quene. Where also Lauinia reigned after the deathe of Æneas. And as for Naples, this pre-

Agnes wife to Hery duke of Saxonie

Agnes wif to Henrie the 3. Emperour.

Paul Æmil lib. 3. Chari. li. 3.

Fulgo. l. 8. cap 16. de dict. & fac. memor.

Crana noah daughter.

Beros. li. 5. Liui: lib. 1. Dec. 1. Æne. Sylui: de Asia, ca. 20.

fidente of vvomanlye gouernemẽte, ys not to be fownde there onlye of later yeares in bothe the Quenes called Iohanne, but eauen from verye Auncient time. Which thinge the stories do recorde in Amalasyntha that gouerned after kinge Theodoricus with her sonne Athalaric⁹. The saide Amalasyntha vvas mother to Almaricus kinge of Spaine and after his death ruled her self the saide realme. Lett vs nowe adde further the Dukedomes of Lorane & Mantua, the kigdomes of Swethia, of Dania, and of Norwegia. Wherof Margarett the dawghter of waldemarus was gouernesse and Quene. The kingdomes of Beame & of Hungarie. And to drawe nerer home, the realme also of Scotlãde, vvhich realme hathe denomination of a woman, as theire stories reporte, as hathe likewise Flaũders. The like some of our stories reporte of Englãde, wherein I will make no fast fotinge. Now touchige the feminine succession to the right of the croune of Englãd, it ys no newe fownde succession: and muche lesse vnnaturall. We reade

Quene of Naples Amalacintha.

Womẽs regiment in Loraine ãd Mantua.

In the kigdome of Swvethia Dania and Norwegia

Bœame Hungarie and Scotlande.

Englande

Cronic. Palmerij & H. contracti. Mũst. vniuers. Cosmo. lib. 4.

Æneas Siluⁱ in desc. Asiç: c. 10. Hector. Boet: l. I. Hi. Sco.

Vide la Geneal. des Rois de Frãc. impr. Paris. 1561 in Carolo Magno.

reade in our cronicles of Quene Cordell, the thirde heire & davghter of kinge Leire the tenthe kinge of Britannie, that reſtored her father to the kīgdome, beinge depoſed by her tvvo other ſiſters. We reade that abowte three hundred fiftie and fiue yeares, before the Natiuitie of Chriſte, Martia ꝓba duringe the nonage of her ſonne, did gouerne this realme full politikelye and vviſelye: and eſtabliſhed certaine lavves called *Leges Martiæ*. There be aſwel of our owne, as of externall hiſtoriographers, that for a moſte certaintye affirme, that Helena the noble Conſtantine his mother vvas a Britane, and the onlye dawghter and heire of Coëlus kinge of Britane, and that the ſaide conſtantine was borne in Britanie. ſuerlye that his father Conſtantinus died in Britanye at yorke, and that the ſaide Conſtantinus begane his noble victoriouſe race of his moſte worthie Empire in Britanye, yt ys reported by Aunciente vvriters, and of greate faythe and credit. And likevviſe that longe before the ſaide Helens time, vvomen bare the greateſte ſvvaye. Britanes had vvomen for theire Capitaines in vvarfare. Amonge other Cornelius

Martia ꝓba:

Helēa mother to Cōſtātine the greate.

Onuph. de Rom. prīc. Euſebi. de vita Cōſtā. li. 1. Eutropius.

Voadicia.

In vita Agricolę.

Tacitus writethe thus. *His atque alijs inuicem inſtructi Voadica generis regij fœmina duce (neque enim ſexum in imperijs diſcernunt) ſumpſere vniuerſi bellum.* We have nowe alredie ſhevved

Henry the ſecõde kinge by hys mothers right.

of Henrie the ſeconde, who obteined the crowne by hys mothers right. Which ſayde kinge by the title of his wife, and after him his ſucceſſours kinges of Englande, did enioye the Dukedome of Aquitania, and the Erldõe of Poyctieres, as the ſaide kĩges ſucceſſours ſhoulde haue done alſo (as we haue ſhewed before) the Dukedome of Britanye, yf Arthure kinge Richardes nephevve had not by the vſurpinge of kinge Iohan, & his vnnaturall crueltye, died withovvte iſſewe. And by what other right then by the womans inheritance devve to kinge Edwarde the thirde by his mother the Frẽche kinges Davvghter, do the kinges of this realme beare the Armes and title of the kinges of France? And thovvghe the french men thincke theire parte the better againſt vs, yt ys not but vppon an olde politike lawe of theire owne (as they ſaye) ād not vpon anye ſuche fonde grovvnde as ye pretende, that womens regiment ys vnnaturall. Which regimente, ye ſtowtelie affirme to be farre a ſonder from any naturall regimente. Yea trewlie

Vide Alliāt geneal. claud. paradini 1561.

The Frenche men make not vvomens regiment vnnaturall.

trewlie as farre, as was the boyes head from the ſhovlders the laſte Bartholomewe fayre at London, Which manie a poore ſowle did beleave to be trewe. For as the boyes head remained ſtill vpon hys necke and ſhoulders, thowghe yt ſeamed by a light livelie Legerdemayne to be a greate waye frō the bodie: So wolde ye nowe caſte a myſte before our eies and make vs beleave, that womanlie governemente and nature, be ſo deuided ād ſondred, that they maye in no wiſe be linked ād cowpled to gether. But ſuerlie the Frenche nation was never ſo vnwiſe, to thincke this kinde of governemente repugnante to nature, or to godes holie worde: for then they wolde never have ſuffered theire realme to have bene ſo often governed and ruled by women in the time of the Nonage or abſence of theire kinges, as by Adela the mother of kinge Philippus, and by Blaunche the mother of Saint lewes, ād by the wife of the late kinge Frances taken priſoner at Pavia, and by divers other. Neyther ſholde the ſaide Adela, and Blaunche haue bene ſo cōmended for theire ſaide noble and worthye rule and governemente. The ſaide frenchemen, thowghe by policie they have prouided, to exclude ſtrangers

Adela Kinge Philips mother and Blaunche the mother, of S. lewes.

Se the preface of the ſayde Alliances.

The Frenche mẽ hold greate principalities by the vvomens right.

from the inheritance of the crowne: Yet they them ſelues holde at this daye by the vvomans title & intereſte the Dukedome of Britanie vvith diuers other goodlie poſſeſſions. And we haue ſhewed before howe levves the Dolphine of France made parte title to the crovne of this realme, in the title of his wife. Thus I haue, as I ſuppoſe, ſufficientlie proued, that this kinde of regimẽte ys not againſt nature, by the anciente and continuall practiſe of Aſia, Aphrica, & Europa. For the parfitinge of the whiche laſte parte of Europa, and of the whole three partes, I ende with the notable Poẽte virgilles verſes.

The cõcluſiõ againſt the Aduerſarie: towchinge the lavve of nature.

Virg. li. 7.

Filius huic fato diuûm proléſque virilis
Nulla fuit, primáq; oriens erepta iuuenta eſt.
Sola domum, & tantas ſeruabat filia ſedes.

VVE knytt vppe therefore our concluſiõ againſt you after this ſorte: That lawe and vſage can not be covvnted againſte the lawe of nature, or *ius gentium*, which the moſte parte of all contreies, and one greate or notable parte of the vvhole vvorlde dothe and hathe ever vſed, But this lawe or vſage ys ſuche, *Ergo* yt ys not againſte the lavve of nature. The *maior* neadethe no prouf: as for the proufe of the *minor*, vve neade

neade to imploye no farther labour, then we haue alredy done. Wherevpō the cōſequēte muſt neades be inferred, that this lavve or vſage dothe well agree ād ſtāde with the lawe of nature. The reaſō therof ys, that yt ys moſt naturall, the davvghter to inherite her fathers patrimonie, Where vnto yf there be a dignitie annexed, bothe are ſo vnited and knitt together, that they cā in no wiſe be vnlinked. Marie, yf you had driuen your argumēte of the dewtie & obediēce that the wife owethe to her huſbande, and had argued, yt ys the lavve of nature, that the wife ſhoulde be ruled and gouerned by her huſbande, *Ergo* yt ys againſt nature, that the wife ſhoulde be heade to her huſbande in reſpecte that ſhe ys hys wife: then had you argued conformablie to reaſon, ſcripture, and nature. But yf you will therof inferre, *Ergo* ſhe can in no wiſe be head to her huſbande: then playe you the Sophiſter, makinge a fallible & vitiouſe argumente: and makinge a confuſe minglinge of thoſe thinges, that be of ſondrie ād diuers natures. The childe muſt obey his Scholemaiſter and parētes, & maye iuſtlie of thē be chaſtened, thowghe he be a Prince: Yet this not withſtandinge, the ſaide chylde maye vſe his aucthoritie by his magiſtrates againſte hys ſcholemayſter: Yea and yf the caſe

The vvife in ſome caſe maye be head to her huſbande.

ſo require, againſt his parentes to. As did Edwarde the confeſſor, and kinge Edwarde the thirde, againſte theire mothers, eauen ſo the caſe farethe vvith the huſbãde and the wife. The vvife maye vvith ovvte anye impairinge or maiminge of her dewtie to God, or to her wedloke, repreſſe her huſbandes miſdemeanure, yf yt be noifull to the cõmon wealthe: And yet ys ſhe not therebye exempted from ſuche dewtie, as the matrimoniall cõiunctiõ crauethe of the vvife towarde her huſbande. Ye frame an other argumente of inconueniences, as thowghe vnder the vvomans regimẽte, Ataxia, that ys to ſaye diſorder moſte cõmonlye creapethe in. I vvill not denye, but ſometime yt ys ſo, but that moſte cõmonlye yt ys ſo, that I denye. Lett bothe the regimentes be compared and matched together, and weighed by an indifferent ballãce, and I ame deceaued, but the inconueniences of the mans regimente for the rate, will ouerpaiſe the other. And yt ys full vnmete vnſeamelye ãd daungerouſe matter, to rule Prĩces right and titles by ſuche blinde gheſſes. Well you vvill yet ſaye, ye haue ſcripture on your ſide. Ye ſaye the Iewes vvere cõmaunded to take no kinge but *ex fratribus*, a brother. *Ergo* vve can haue no ſiſter to our Quene. To this ob-

Princes right maie not be ruled by blĩd gheſſes.

obiectiō alſo my two former anſweres maye ſufficiētlye ſerue. Firſt you muſte proue, that all Chriſtian Princes are obliged and ſubiected to this parte of Moyſes lawe, ād that ſhall ye neuer be able to do, which thinge ye ſawe vvell inowghe, and therefore ye vvere faine to vnderproppe and vpholde this your ruinouſe and vveake buildinge, vvith the ſtrōge force, of the lavve of nature. But this force, as you haue hearde, ys but the force of a bull reſhe. Ovvre ſeconde anſvvere alſo vvill ſone infringe & breake this your concliſiō, which reſpecte the onlye the free and voluntarie electiō and choiſe of a kinge. But vve ſpeake of birthe & ſucceſſiō, wherein we haue none intereſte: but God, who ys the onelye Iudge and vmpier, and hathe by his deuine prouidence made to our hande his choiſe alredye, which yf vve vvolde vndoe and reuerſe, we might ſeame to be verye ſawcye and maleperte with him. But vve vvill remoue and reliquiſhe all theys helpes, and ſee vvhat and howve faire this auctoritie forcethe by the verye wordes. *Frater* ys the maſculine gender (ye ſaye) and therefore women are to be remoued Then by this rule women alſo muſte be excluded from theire ſaluation, by cauſe ſcripture ſayeth: He that ſhall beleaue and be bapti-

What abſurditie followeth by ſtrayninge this worde ex fratribus.

baptized shalbe saued. Holye scripture abowndethe of like places: As, *Beatus vir qui non abijt in consilio impiorum: &c. Beatus qui intelligit: &c.* And by this rule vvomen are excluded, frō the eight beatitudes, But we will not shifte your owne worde, *Brother.* We saye therefore that this vvorde muste not be takē so straightlie, & narowlie as ye take yt: for firste not onlie in scripture, but in olde aunciente prophane authours, yt comprehendethe the brothers childe: Yea and sometime in ciuill lawe cosen germās, cōminge of two bretherne. Abrahā called Lothe his brother, Medea also callethe her sister Chalciopes sonnes, her bretherne speakinge to her sister in this sorte.

Marci vlt⁹ Ps.1.&40. Matth. 5. L.luci⁹. §. quęsitū ff. de lege Tert. & ibi Bart. Gene. 13. Apollon. Rhodi⁹ li. Argon. 8. le. 1. ff. de verborum signif. Le. tres fr̄es. ff. de pactis & l. lucius ff. famil. herciscund. Leuit. 19. Deut. 29. Zachar, 7. Matth. 18. 2. Thess. 3. 1. Ioan 2. Quęsitū est ā quod heredes fratrib⁹ rogati essent restituere etiā ad so-

Εἰ ἔτι τῆς ψυχῆς προφερέστερον, ἢ ἔτι παίδων
Σῶν θείην, οἳ δὴ μοι ἀδελφεῖοι γεγόασιν.

Againe as in the ciuill lavve the masculine gender comprehendethe the feminine: so doth yt in your vvorde brother. Modestinus vvritethe thus: *Tres fratres, Titius, Menius & Seia. Paulus also Lucius & Titia fratres. Sceuola* sayethe. the bequestes made by the testatour *fratribus*, to his bretherne, shalbe beneficiall to his sisters also, vnlesse yt maye be proued,

that

that the teſtatour mente othervviſe. Novve vvhen the holye ſcripture ſaiethe, thovve ſhalte not hate thy brother. Thovve ſhalt not lende vpon vſurie to thye brother, Lett euerye man vſe his brother mercifullye, yf thye brother treſpaſſe againſte thee forgeue him, with drawe your ſelues from euery brother vvalkinge diſorderlye, He that hatethe his brother ys in Darkenes, vvith a nomber of like ſuite: Shall vve inferre ther vppon that vve maye hate our ſiſter, that vve maye oppreſſe our ſiſter vvith vſurye, that vve maye vſe our ſiſter as vnmercifullye as vve vvill, vvith owte any remorſe of conſcience, and are not bownde to forgeue her, nor to eſchewe her companie beinge excommunicated, or a notoriouſe offendour? Wherefore neither this vvorde brother excludethe a ſiſter, nor this vvorde kinge in ſcripture excludethe a Quene: In the greke tongue one vvorde repreſenterhe bothe brother and ſiſter, ſauinge that there ys a difference of gender, ἀδελφὸς, ἀδελφὴ after the ſame rate the wordes kinge and Quene are knitt vppe in both one, anſvvell in the greke βασιλεὺς βασιλὶς, as in the hebrewe *Melech* and *Malcha*, & ī the Frēche Roy & Royne, ād frō this

rores perti neret, reſpōdit ptinere, niſi aliud ſenſiſſe teſtatorē probetur, dicta leg. lucius. §. quęſitū leg. Tert.

Neither thisworde brother excludethe a ſiſter, nor thisworde Kinge a Quene, by any ſcripture.

this the latin tōgue *Rex & Regina*, dothe not farre diſagree. Seinge then by interpretatation this worde brother, conteinethe the worde ſiſter alſo in ſcripture, ād the worde kinge by propertie of one and the ſame voice and ſignification, expreſſethe the Quene bothe in ſcripture & in other tōges: whye ſhulde we not aſwell communicate to women the dignitie apperteyninge to the name, and reſembled bythe ſame, as the name yt ſelf? For eaven in this our owne cōtrey, albe yt the names of the kinge and of the Quene do vtterlie varye one from the other, and alſo the aunciente ſtatutes of the realme, do not onelie attribute and referre all prærogatiue and prçeminence, power and Iuriſdiction, vnto the name of a kinge, but do geve alſo, aſſigne, and appointe, the correction and punithemente of all offendours, againſte the realme & dignitie of the crowne and the lawes of the realme, vnto the kinge: Yet are all manner of the foreſaide iuriſdictions and other prærogatiues, and ovvght to be, as fullie as wholie ād as abſolutelie in the Prince female, as in the male, and ſo was yt ever deamed iudged ād accepted, before the ſtature made for the farther declaration in that pointe. The like

Anno Marie 1. ca. 2.

we ſaye of bothe the foreſaide wordes *Brother*, and *Rex* vſed in this place of ſcripture, wherof yf there do yet remaine any ſcruple or dowbte to anye man, for the avoidinge and cleare extinguiſſinge of the ſame, we will referre the Reader to the noble civiliã Paulus,& to the rule before by vs towched. *Si de interpretatione legis quæratur, in primis inſpiciendum eſt quo iure ciuitas retro in eiuſmodi caſibus vſa fuit, optima enim legum interpres conſuetudo.* Yt ys for vs then to conſider whether in Iudæa and Hieruſalem, women have at anye time bene the cheif rulers and governeſſes: And whether the Ievves ever interpreted this place, after the meaninge and ſence of this man? Suerlie at ſuche time as chriſtian mẽ bare rule at Hieruſalem, we knowe well there was no ſuche interpretation. For amõge other Fulke the comte of Aniowe, who lefte his ſaide countie to Geffrey his ſonne, father to Henrie the ſeconde by the Empreſſe Maude, and wente to Hieruſalem to kinge Baldewin the ſeconde, and there maried Melitende hys dawghter ãd heire, was afterwardes by his wiues title kinge of Hieruſalem. Salome Herodes ſiſter was made governeſſe by Auguſtus Cæſar, of Iamnia, Azotũ, Phaſalidea and

l. fin. ff. de legibus.

The Ievës never interpreted this vvorde after the ſorteas the aduerſarie doth.

Vide dictas, Alliãce Cl. paradini.

Fulke & other Kĩges of Hieruſalẽ by their wiues right.

Salõ. Herodes ſiſter a gouerneſſe in Iudea.

and Aſcolania, which thīge ys a good prouf that the Romaines thovvght yt not vnnaturall (as ye thincke) for a woman to enioie, ciuill gouernemente. I might here adde the wives of Iohannes, of Ariſtobulus, and of Alexādet, who gouerned ād ruled the ſaide Iewes after the deathe of theire huſbandes with ſuche other, vvhich ſtories thovvghe they be not in ſcripture, yet are they authē-ticall and of good creditt. And yet are vve not altogether vnfurniſhed of a ſcripturelie example, but rather vve are ſo furniſhed, that God, as longe before foreſeinge that there ſhulde come ſuche vnnaturall cauillinge quarrellers, againſt hys creature and prouidence, and againſt theire ovvne naturall Princes, hathe as yt were all at ons mett vvith them, and anſvvered to all ſuche calumniouſe cauillinge of yours and ſuche other, as ye ſhall by and by vnderſtande. A woman pardie, yf we beleue you, muſt not kepe the ſtate and honour of a Prince and Quene, and whie ſo I praye your? Was not ſhe created to the Image of God as vvell as man? And dothe nor ſhe repreſēte the maieſtie of God? Dyd not God bleſſe them bothe? Did not God bid them rule over the fiſhe of the ſea, & ouer the fovle of heauen, and

Ioſeph. lib. Ant. Iudic. 17. c. 13:

The wiues of Ioannes Ariſtobulꝰ ād Alex. gouerned the Ieves.

Ioſeph. li. 13. c. 19. 20

Egeſip. de excid:

Hier. lib. 1. cap. 12.

A womā the Image of God, as vvell as man.

Gen. 1. & 3.

and over everye beaſte that moueth vpon the earthe? But what thinge meane ye by the Image of god? Meane you as ſaīte Paule ſeameth to meane? That man was created in rightuouſnes and trevve holynes? This ys trewe alſo in the woman. Some thyncke that the Image of god repreſenteh the bleſſed Trinitie, which ys (as ſuche an hyghe thynge maye be) ſome what reſembled by memorie, by will, and by vnderſtandinge: Which are in women, as well as in men. What thinge ys there that reaſon, wytt and vnderſtandinge maye reatche to, that woman hathe not, or maye not atchieve ād attayne? For learnīge, there haue bene manye women exactlie learned in muſicke, Aſtronomye, Phyloſophye, Oratorye, Phyſyke, in Poëtrye, in lavve ād deuinitye. Atoſſa the Quene of the Perſyans, of whom we haue ſpoken before, was the firſte that inuented the manner of writinge of epiſtoles: Aſpaſia was ſchole maiſtreſſe to that notable Oratour & Capitaine Perycles: the noble Philoſopher Socrates was not aſhamed to be tawght of Dictina. Accurſi⁹ hys daughter ꝓfeſſed the Ciuill lawe opēlie at Bononie. The Sibilles be famouſe amōge writers alwel chriſtiās as other. Paula ād her davgh-

Ephe. 4.

Women learned.

Clem. Ale. Stromat. li. 1. Plato in Menexemo. Socrates ī Sympoſio Platonis. Albericus lib. 6. qui filiū. ff. vbi pupill. ed. Diod. Sic. lib. 1 & 5. Bibliot.

ber Eustochiō were notable learned: ād diuers other womē in Saint Hieromes time (as yt appeare the in his vvorkes) besides diuers other before his time, of Whō he make the mētion, as also of the afore named Aspasia, of Sappho, Cornelia, and suche like. Hypatia passed all the philosophers of her time, & succeded Plotin⁹ in Plato his schole opēlye professinge at Alexandria diuers liberall scięces. And what were the nine Mules, but virgins moste excellente in the same? Who is called the goddesse of learninge, but Minerua? Which also founde owte the Arte of plātinge and settinge. What shoulde I nowe speake of the noble learned womē of our Britanie? Of Cābra the dawghter of kinge Belin, who promulged the lawes which of her name (as some of our contrey men writte) haue theire denomination and are called *Sicambrica*. Of Martia Proba, of Helena, and suche other the like. We neade not rūne vp to so highe and farre yeares: we haue herof at home late and also presente, and worthie examples, emonge whom I maye sett with the firste and beste our Quenes noble maiestie. Perchāce ye will obiecte, that womē are vnable and insufficiente to consulte of greate & weightie affaires, as beinge but of weake

Hieron. præfat. in Sophon.

Trip. hist. li. 11. c. 12.

Diod. Sicul li. 1. & 5. Bibliot.

weake and feble witt and counſaile. Yf this reaſon holde, ye muſte exclude from all princelie honour and regimente, all kinges that be vnder age, or otherwiſe that lacke diſcretion, as well as women. And yet as weake as they are, Numa kinge of the Romaines and the greate Monarche Iuſtinian, beſides others, did conſulte to the ſingulier commoditie of them ſelues and theire common weales, with theire wiues, for the better orderinge of the publike affaires. The life of the greate monarch Cyrus vvas preſerued by the counſaile of an heardemans wife Theodoſius alſo the Emperour toke greate benefitt by the God counſaile of his wife. Thodelinda was the occaſion that her huſbãde Agillolphus kinge of the Lumbardes, and Bertha that our kinge Ethelbert⁹: Clotildis that Clodoueus the kinge of France receaued the Chriſtian faythe. The Lacedemoniãs the wiſeſt people amonge the Græcians, and the Athenienſes alſo vſed in the olde time to haue womẽ preſent, at the debatinge

Iuſtini. auth. vt ĩdic. fine quoque ſuffrag. in princ. leg. bene: C. de ſcript. quadriennal.

Herod. halli. l. 1. Tript. l. 9. ca. 31. Paulus Diaco. de geſtis long. Beda: li. 1. eccle hiſt.

Paulus Æmil. lib. 1. Pluta. in cõpara. Nume & Licur. & & in vita Ægidis.

Aug. de ciui. dei: l. 18 c. 9.

Illa Numæ cõiux conſiliumque fuit. Ouid. 3. faſt.

Iuſtinian and other Princes cõſulted with their vvines in publike affaires.

Women the occaſiõ that Kiges their huſbundes were conuerted to the faythe

Thodelĩda

Bertha.

Clotildis.

of publicke affaires, *which* thīge was practised amōge the olde Germās. Neither Socrates nor plato, do altogether remoue womē beinge apte & mete therto, frō publicke administratiō. Aristotle confesseth, that in the cōmō wealthe of the Lacedemoniās, many thīges were done by Womē. The saide Aristotle thowghe he p̄ferre the rule ād gouernemēte of men: Yet dothe he not reiecte the other, as vnnaturall, but graunteh. Ἐνίοτε δὲ ἀρχουσιν αἱ γυναῖκες ἐπίκληροι οὖσαι. That sōetime womē beīge greate īheritours, haue the prīcipalitie. Nowe that manie cōmon weales haue bene cōmendablie and worthelie gouerned by them, and that in theyre gouernemente lacked neyther witt, policye, dexteritye, prudence, liberalitye, iustice, nor mercye (whiche amōge all her other princelye qualityes, glistereth most orientelye in our most gratiouse Souereigne) neyther any other thīge mete for a Prince, I coulde easelie declare, but I do forbeare by reasō of tedieusnes, ād for that in the pusinge ād dyscussinge of the stories by me alredie rehearsed: yt Will moste easelie, moste fullye, and moste euidētlie fall owte to all suche, as be desirouse to trauaile therin. In case all thys will not satisfye you and that ye thynke yt still to be vnnaturall and against scripture,

Cornel. Tacit. de moribus Germanorum.
Plato de repub. 5.
Aristot. Pol. 7.
Plato and Aristotle do not vtterlye reiecte womans gouernemēt.
Ethic li. 8. ca. 10.

for a woman that ys ordeined to be ſubiected to her huſbande, to be the gouerneſſe and head of a publike ſtate: And that ye thicke alſo that thowghe for all other reſpectes, a Woman myght be a gouerneſſe yet conſideringe, that ſhe muſte have the managinge of Martiall exploytes, which in deede maye ſeame in no wyſe agreable to a Woman, and ys ſuerlie the difficultiſte matter of all in our caſe and queſtion, and that you can not, or wyll not be ſatisfied, vnleſſe ye maye for this, and all other dowbtes, be by ſcripture perſvvaded: Lo then I bringe to you one authoritie of holie ſcripture, to ſerve all turnes. I Bringe, Iſaie, noble Debora, to decide & determine all thys cõtroverſie & cõtention, whõ, ye cã not denie, vvas the cheif & ſupreame magiſtrate, over the people of God, to Godes vvell likinge, & by his owne eſpeciall gratiouſe appoĩtemẽte. She hearde, determined, & decided all manner of litigiouſe, & dowbtefull controverſies, aſwell for bargaynes & contractes, as for dowbtes & ãbiguities of the lawe: And that not by other magiſtrates intermediãte, but by her ſelfe perſonallie. *Erat autẽ Prophetiſſa.* ſhe was a ꝓphetiſſe. Which wordes Origines ſingulerlie well dothe note: ſaiẽge that holie ſcripture dothe not vſe ſuch phraſe of ſpeakinge

Debora was gouerneſſe of the Iewes by Godes ſpeciall appoĩtemẽte. Iudic. 4.

Hom. 4. in 4. c. Iudic.

kinge of anye other of the Iudges: leaſte that any man ſhoulde grudge and repyne (as the frowarde natured man dothe) at womés regimēte. Let no má tell me nowe of the cowragiouſe Amazones? Let no man tell me of zenobia the Quene of the Palmeryes, and beſide her excellēte learninge of her noble cheualerye, nor of Artemiſias, that whyte liuored ād cowarde Perſes, hys manlie wyfe, nor of our manlie voadica? Nor of any other the wyſe polityke victoriouſe Quenes, that we haue before named, or of any ſuche like. Owre Debora ſhall ſerve vs, one for all. Iabin the kinge of the chanonites had kepte the people of Iſraël, for theyre ſynnes and offences to God, twētye yeares in greate miſerye ſlauerie and bondage. He had three hūdred thowſande fotemen, tenne thowſande horſemen, and thre thoweſande chariottes, ſeruinge for the exploites of his warres. This noble Debora ſent for Baracke, willinge him to muſter the people, and with tenne thowſande men to ſett vppon Syſira Iabins capitaine. But Baracke wolde not go vnleſſe ſhe wēte alſo: well ſayeth ſhe, I wyll go with the. Whē they ſhoulde haue buckeled, Baracke and the Iſraëlytes, fearinge the huge mul

Pollio vopiſcus in vita Aureliani.

Hero. l. 8.

Iuſt. lib. 2.

Iudic. 4.

Ioſeph. antiq.

Iudic li. 5. cap. 6.

The greate victorie of Debora.

multitude of the enemyes wolde have recoyled backe into ſome ſaulfer and ſurer places. Naye ſayeth Debora, departe not, plucke vp your hartes, for all ys ours. And vppon this they encountred with the enemie, and beholde there fell ſodenlie vpon the enimies faces ſo vehemente à ſtorme of rayne ād hayle, that yt toke from thē theire ſight, and did ſo ſore beate them, that for verie coulde and weakenes they were not able to holde theire weapōs in theire hādes. There vpon beinge wonderfullie diſcowraged, breakinge theire arraye they toke them to theire feete, and in fleinge ſome were ſlaine by the Iſraëlites, ſome by theire owne horſe men and chariottes. Syſira him ſelf was alſo ſlaine. I ſpeake not this of Debora by cauſe, I thincke warlike matters properlie and ſo well to apperteine to women as to men. I knovve & do vvell allowe the ſayenge in Homer of Hectour to his wyfe.

Αλλ' εἰς οἶκον ἰοῦσα τὰ σαυτῆς ἔργα κόμιζε
ἱστόν τ' ἠλακάτην τε καὶ ἀμφιπόλοισι κέλευε
ἔργον ἐποίχεσθαι, πόλεμος δ' ἀνδράσι μέλλει. Iliad. 6.

I ſpeake yt to this purpoſe onelie to ſhewe that a women maye not onlie have ciuilll regimente in other thinges, but maye inter-

The ceremonies that kīges of Englād vſed in theyr coronation.

medle alſo when the cale requirethe vvith vvarlike matters, and be preſente vvith the armye in the felde. And this alſo amonge other aunciente and ſolēme ceremonies, the gyrdinge of our Souereigne at her coronation vvith a ſworde, the ſettinge of a paire of Spurres to her heales maye well ſignifie. Which ceremonios, thovghe they haue bene vſed from the time of kinge Edwarde the confeſſour at leaſt, or from the noble Allured, and thatvpon kinges onelie, excepr our ovvne time: Yet the reaſon and ſignificatiō of the ſame maye and dothe take place in womē Princes alſo, and in our Souereigne, to putt her in remembrance to chaſtice and repreſſe malefactours with conuenient luſtice. Yea vvith ſpeade to purſue not onlye by her vnder officiers, but in her owne Royall perſon (yf the neceſſitie of the time dothe require yt) her maieſties inwarde, or owterwarde ennemies, vvherein ſhe hathe a preſidente in this vvorthie Debora. This Baracke of whome we haue ſpoken by the conſente of the moſte parte of the expoſitors of holye ſcripture vvas Deboras huſbāde: Whereby ye maye ſee, that the matrimoniall dewtye of the vvife to the huſbāde dothe nothinge repugne to the publike adminiſ-

Vide ſpeculū hiſto. Richa. Ciceſt. lib. 3. cap. 3.

All be yt S. Ambr. li. de vid. thinketh, her to haue bene a widove, ād Barach to be her ſone, ſaīge: ſtrenuos enim nō ſexus, ſed ỳ tus facit. vid. cater. ibidem.

miniſtratiō & office of the wife eache with other maye frēdelye and peaceablye agree, She maye ſerue all turnes to the contentation of God, her huſbande, & of the commō welthe. For the reſpecte wherof, the ſaide huſbāde beinge but a member and percell of the ſame, and as ſubiecte to his vvife in that reſpecte, as any other: She maye, yea & owght to cōmaunde the ſaide huſbāde, and as the caſe maye ſtāde, ſeuerelie to puniſhe his owteragiouſe behauiour & doinges tovardes the ſaide cōmon wealthe. This noble Debora therefore cōdemnethe your cōcluſiō, bothe vnnaturall and derogatiue to holye ſcripture. Neither will this euaſion releaue you (that ſome of your affinité, for the maintenance of this ſo wronge an opinion haue vſed), that this ys but one bare and an extraordinarye priueleged and pſonall example, hauīge none other the like in ſcripture: & therefore not to be drawē to make therof a rule or preſidēte, for womālye gouernemēte. Yf this your replie be effectuall, then farewell the baptiſme of yōge childrē, wherof yt wilbe harde to finde more then one, yf that one exāple maye be fownde in all the holye ſcripture. Thē fare wel a nōber of rightes, ceremonies, cuſtomes, & orders aſwell

One onlye exaple in ſcripture a ſufficēte ꝓfidente.

aſwell ī eccleſiaſticall, as ī politicall affaires, all which haue but one, & ſome no one example at all therein: Yet yt ſo beinge that the vſe therof ys not repugnāte to the ſaide holye ſcripture, they haue bene, they are, & maye well here after be kepte, vſed and obſerued. And yet I knowe no cauſe, but that the worthye Iudithe maye be an other example alſo. We thowghe ſhe were not the gouerneſſe of the cōmon wealthe at that time, but others: Yet played ſhe that parte, that ſeamed moſte abhorringe and ſtrange to woman kinde in deuiſinge, yea and moſt manfullye and meruelouſlye executinge in her owne pſon the renowmed ſlawghter of the arrogante, haughtye and prowde Tyrāte Holofernes. As her ſtomacke and cowrage was manlye and ſtowte in that acte, ſo vvas ſhe not onlye a noble vertuouſe womā, but a meruelouſe vviſe vvoman vvith all, and ſo was taken & iudged to be of all the people. Whereby yt vvill followve by good reaſon, that in caſe ſhe had bene the gouerneſſe of all the people, her gouernēte wolde haue bene aſwell pfitable to the cōmon welthe, as cōformable bothe to nature & the holye ſcripture alſo. Which example thowghe yt maye ſeame ſufficiente to ouerthrowe your

Iudith:13.

Iudith.c.8.

The ſlawghter of Holofernes by Iudith.

anſwere

anſwere, be yt neuer ſo artificiallye forged, to Debora: Yet to refute and to refell yt vtterlye, nor onlye by examples, but eauen by plaine and full auctoritie of holye ſcriptures, lett me be ſo bolde, as to demãde your anſwere to a queſtiõ or two? Firſte whether if a man ſeaſed in landes and poſſeſſions die vvith owte iſſue male, his dawghter by holy ſcripture, ſhall enioye the ſaide landes and inheritãce, or no? In caſe ye ſaye ſhe ſhall not, the plaine vvordes of the ſcripture euidentlye do reproue you. Yf you graunte yt, then alke I farther, vvhat yf any ciuill gouernemente more or leſſe be annexed and vnited to theis inheritances (As yt ys not onlye in Empires and kingedomes, but in manye Dukedomes, Erledomes, yea & Lordeſhippes alſo) whether ſhe ſhalbe excluded from the ſaide her inheritance? Yf ye ſaye yea, then do you ſaye againſt the ſcripture: yf ye ſaye that the Inheritance muſte remaine in her, and the ciuill gouernemente to others, then ſaye ye againſt all reaſon, againſte the vſe manner and cuſtome of the vvhole vvorlde. Yt ys but your ovvne fonde foliſhe gloſe. Where vpon I do inferre, that vvomanlye gouernemente ys admitted not onlye by theys examples, but eauen by the ve-

Leuit. c. 6.

Yt ſeemeth plãe by the rules and vvordes of holye ſcripture that a woman maye haue ciuill gouernemente.

rye

rye vvordes, rules, and decrees of the holye ſcripture. And ſo I truſte ye are or haue cauſe to be fullye ſatiſſied, as vvell towchīge your allegatiō that vvomālye regimēte ys againſt nature, as alſo touchīge a brother to be choſē kinge. And therfore I cōclude againſt you, that neither the lawe of God, nor of nature, nor yet reaſon, vpon the vvhiche alſo you grownde your ſelf, do reiecte the ſaide Qu. Marie frāche ſucceſſiō of the crowne of Englande. Your reaſon ys, that where the people erecte them ſelf an head of theire owne kinred and nation, there nature aſſuerethe the people of naturall gouernemente. And vvhere a ſtranger carieth the opinion of vnnaturall tyranie, yt aſſuereth the ruler of naturall ſubiectiō. To a ſtranger ys murmorre and rebellion threatened. But nowe yf this excellente Ladye and Princeſſe be no ſtranger, and be of our owne kinred, and of the aunciente and late Royall bloude of this realme (as vve haue declared) then ys your reaſon alſo vvith all auoided, which maye and dothe oftētimes take place ī more ſtrēgers, cōminge in by violēt and forcible meanes. But here as naturall a man, as ye make your ſelf, ye ſeame to go altogether againſt reaſō, and againſt nature alſo. Yf Princes children

Neither the lawe of God nor reaſon is againſt the Quene of Scottes right, as the aduerſaries pretende.

vvere

vvere to be counted ſtrangers and aliens, or to be ſuſpected as enemies and Tyrás, ſuccedinge to theire owne progenitours inheritance. Yt vvas an vnnaturall parte, & a greate follye in the noble kinges of this and manye other realmes, to geue ovvte theire dawghters to forren Princes in mariage: & in ſteade of ꝑferringe & auancinge them by threire mariage, & procuringe therby frēdſhippe and amitie with other Princes, to diſable theire ſaide children from theire auncetours inheritances in thoſe contreyes, frō vvhence they originallye proceded. And as it ſeamethe by your kinde of reaſoninge, to purchaſſe and ꝑcure beſide to them therby an opinion of ennemitie and tyranie. This, this I ſaye, ys a frovvarde and an vnnaturall interpretatiō. Nature mouethe and driueth vs to thincke othervviſe, and that bothe a a prince vvill fauour, loue, and cherithe the people from vvhēce he fetcheth his royall bloude, and by vvhō he muſte novve mainteine kepe and defende his royall eſtate, & that the people likewiſe will beare ſinguler loue and affection to ſuche a one, eſpeciallye of ſuche knovven princelye qualities, as this noble Ladye is adorned with all. Suerly

A frovvarde ād an vnnaturall interpretatiō of the aduerſarie.

yt

ytys no more vnnaturall to ſuche a Prince
The Que. of Scottes no ſtrãger to Englãd. deſcendinge from the aunciente and late Royall bloude of the kinges of Englãde, to beare rule in Englande, and as yt were to retorne to the head and fowntaine from whence originallye ſhe ſprange: Then yt ys for all flouddes and riuers, (which as homer ſayethe) flowe ovvte of the greate Oceã ſea.

21. Iliad. Εἰς ὅπερ πάντες ποταμοὶ καὶ πᾶσα θαλάσσα
καὶ πάσαι κρῆναι, καὶ φρέατα μακρὰ ῥέουσι.

Eccleſiaſtes cap. 1. To reuerte, returne, and reflovve againe to the ſayde Ocean. This coherence, coniunctiõ, copulation, inclination and fauour runinge interchangeablye, betwixte ſuche a Prince and the people, ys no more ſtrange to nature, then ys the cõiunction of the tree and the rote therof, then of the fowntaine and the riuer iſſuenge from thence, then of the ſonne, and the ſonne beames: & finallie, then ys the coniunction betvvixte the olde ancient louinge grãd mother and her yõge and tender dawghter. Neither do I well knovve howe I maye better call noble England, then a louinge grandmother to this good gentle Ladie whom vve (I do not dowbte, yf euer God call her to the Royall ſeate therof) ſhall not onlye finde a louinge ãd gratiouſe maiſtreſſe, but a moſt deare ãd tender

tender good dawghter. For theis and other consideratiõns, the lawes of the realme do not, nor euer did estrãge suche princes from the succession of the crowne of the realme. Which by reason of the saide naturall inclination and beneuolence of the one to the other, standethe vvith the lawe of God & nature, & with all good reason. And therefore your cõclusiõ ys againste Godes lawe, nature, and all good reason: Whereby you full vngodlye, vnnaturallie and vnreasonablie, do conclude an excluſiõ of the Quene of Scotlande (pretendinge her to be a strãger) to that right, that God, nature, and reason, and the trevve hartes of all good naturall Englishemen, do call her vnto, as the deare sister and heire apparente to our noble Quene Elizabethe. The which her saide iuste right title and intereste, we truste we haue nowe fullye proued and iustified, and sufficientlie repulsed the sondrie obiections of the aduersaries. And as theis beinge the principall ovvght to breade no dowbte or scruple in any man, so manye other folyshe, fonde and fantasticall obiections, not worthye of any answvere, that busie quarrelinge heades do caste forthe to dishable her right, or to disgrace and blemishe, either her honour,

nour, or thys happie vnion of bothe tealmes, yf God ſhall ſende yt, in takinge our gratiouſe Sovereigne from vs withowte iſſue (vvhich God forbide) ovvght muche leſſe to move any man. Whoſe maieſtie God longe preſerve and ſhylde, and bleſſe her yf yt be hys pleaſure vvith happie iſſue. But yf yt pleaſe hym eyther to bereave vs of hyr maieſtie, or her maieſtie of all ſuche iſſue, then yet (that we maye not be altogether lefte deſolate & confortleſſe) thys happye vnion vvill recõpence and ſupplie a greate parte of thys our diſtreſſe. An happie vnion I call yt, by cauſe yt ſhall not onlie take avvaye the lõge mortall enemitie, the deadlie hatred, the moſt cruell & ſharpe vvarres, that have ſo manie hundred yeares bene & continued betwixt our neighbours the Scottes and vs, but ſhall ſo entierlie conſociate and conioyne, and ſo honorablie ſett forthe and aduãce vs bothe and the vvhole Ilande of Britanye, as neither tõgue can expreſſe the greateneſſe of our felicitie and happines, nor harte vviſhe any greater. The olde enemitie hathe trodẽ downe & kepte vs bothe vnder fote, and hathe geuen occaſion to the cõmon enemie, as the Danes ãd other to ſpoyle vs bothe. Yt hathe cauſed for

The greate cõmoditie that ſhall come to Englande ãd Scotlãde by the vnion of thẽ in caſe thus ſucceſſe cõ chãce.

theis

theis thowſande yeares and more, ſo infinite and ſo ovvgelie ſlavvghter, as it will greaue and pittie anymans harte to remember, and yet neither to the greater augmétation of our poſſeſſions at this daye, nor to theire muche loſſe. They hauinge loſte nothinge of theire olde aunciente inheritáce ſauinge Barwikle onlie. Yf this coniunction ons happen, and yf we be ons vnited and knitt together in onekingedome and dominion, in one entire brotherlie love and amitie, as we are alredie knit by neighbourhode, by tongue, and almoſte by all máners, faſſhiós, and behaviour, then will all vnnaturall and butcherlie ſlawghter, ſo lóge hyther to practiſed, ceaſe. Thé will reſte, quietnes, welthe, and proſperitye encreaſe at home: Thé will all owtewarde Princes our Frédes reioyce, and be cóforted: & our enemyes dreade vs. Then wyll the honour, fame and maieſtye of the Ilande of Albyon daylye growe more and more, and her power and ſtrégth ſo greatelie encreaſe, as to the frede yt will be a good ſhilde: And to the enemye an horrible terrour. Then ſhall the owtevvarde enemye litle endomage vs. Then ſhall we with our children after vs, reape the pleaſante fruites of this noble coniunction

wrovvght this to our hãdes by Godes good and gratiouſe prouidence vvithovvte expẽce, force or ſlawghter, which hitherto a nõber of our covvragiouſe, vviſe and mightie Princes, haue theis thovvſande yeares and vpvvarde, ſovvght for (but in vaine as yet) vvith ſo exceſſiue charges, vvithe ſo greate paynes, vvith ſo manye and mayne armies, and vvith the bloude of ſo manie of theire ſubiectes. Then ſhall vve moſte fortunatelie ſee, and moſte gloriouſlie enioye a perfecte and entire monarchie of this Ile of Britanie or Albion vnited and incorporated after a moſte maruelouſe ſorte, and in the vvorthie and excellente perſon of a Prince mete and capable of ſuche a monarchie. As in vvhoſe perſon beſide her vvorthie, noble and princelye qualities, not onlye the Royall and vnſpotted bloude of the aunciente and noble kinges of Scotlande, but of the Normans and of the Engliſhe kinges with all, as well longe before, as ſithens the conqueſte, yea and of the Britaines alſo, the moſte aunciente inhabitans and lordes of this Ilande, do wonderfullye, and (as yt were) eauen for ſuche a notable purpoſe, by the greate prouidence of God, moſte happelye concurre. The euidente

trewthe wherof, the ſayde Quenes petigrewe dothe moſte plainelie and openlie ſett forthe, to everie mans ſight and eye. Then I ſaye, maye this noble realme and Ilande be called not Albion onlye, but rather Olbion, that ys fortunate, happye and bleſſed. Whiche happye and bleſſed coniunction (when yt chaunceth) yf we vnthanckefullye refuſe, We refuſe our healthe and welfare, and Godes good bleſſinge vppon vs. We refuſe our dewtie to God, who ſendethe our dewtie to the partie whom he ſendethe, and our dewtie to our natiue cõtrey to whom he ſendethe ſuche a perſon to be our Maiſtreſſe: and ſuche commodities and honour with all cõminge thereby (as I haue ſayde) to whole Albion, as greater we can not wiſhe for. And finallye we procure and purchaſe as muche as in ys liethe, ſuche diſturbãce of the cõmon wealthe, ſuche vexations, troubles, and warres, as maye tẽde to the vtter ſubuerſiõ of this realme. From which dangers God of his greate ãd vnſpeakeable mercie defẽde & preſerue vs, & kepe, ptecte & defẽde this realme with our noble Quene Elizabethe, and the ſaide Ladie Marie Quene of Scotlande, with the nobilitie & ſubiectes of bothe the realmes

in mutuall frendshyppe and godlie amitye, with longe prosperouse estate and all good quietnes.

Amen.

FINIS.

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